

## WEST VIRGINIA

Pearl L. Hughes to be postmaster at Keystone, W. Va., in place of P. L. Hughes. Incumbent's commission expires December 12, 1928.

A. Ewell Riley to be postmaster at Thorpe, W. Va., in place of A. E. Riley. Incumbent's commission expires December 12, 1928.

Harry E. Ewing to be postmaster at War, W. Va., in place of H. E. Ewing. Incumbent's commission expires December 12, 1928.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate December 8 (legislative day of December 7), 1928*

## COMPTROLLER OF THE CURRENCY

John W. Pole to be Comptroller of the Currency.

## POSTMASTERS

## ARIZONA

Orrin H. Perry, Somerton.

## COLORADO

Richard A. Gifford, Hesperus.  
Ralph H. Weekly, Yuma.

## CONNECTICUT

George W. Fairgrieve, Bantam.  
Frank S. Merrill, Bristol.  
George L. Rockwell, Ridgefield.

## DELAWARE

William A. Wagner, jr., Viola.

## KANSAS

Emil Dolecek, Holyrood.  
Pearl M. Mickey, Zurich.

## MASSACHUSETTS

Walter P. Abbott, Baldwinsville.  
Francis K. Irwin, Cataumet.  
Walter B. Morse, Danvers.  
Arthur R. Merritt, Egypt.  
Josephine M. Connell, Forge Village.  
Walter K. Hadselle, Hancock.  
Ella M. Harrington, Jefferson.  
Julius D. Miner, Monterey.  
Elizabeth C. Kelley, Thorndike.  
Mary E. Joseph, Truro.

## MICHIGAN

Edna M. Park, Alden.  
George W. Paton, Almont.  
June L. Oliver, Beaverton.  
Euphemia Hunter, Cass City.  
Alpheus P. Decker, Deckerville.  
Willard A. Hilliker, Dryden.  
John Anderson, Gwinn.  
Edwin W. Klump, Harbor Beach.  
Herbert E. Gunn, Holt.  
Norman E. Weston, Kent City.  
Ernest L. Storbeck, Kinde.  
David J. Doherty, Marlette.  
Noel H. Allen, Maple Rapids.  
Grace L. Riker, Millington.  
Clinton E. Avkerman, Montgomery.  
M. Adele Zinger, Ruth.  
Fred Alford, Vulcan.  
Willa A. Ruggles, Whitehall.

## MISSISSIPPI

Noah D. Robinson, Columbus.

## NEW HAMPSHIRE

William W. Russell, Center Sandwich.  
Fred W. Sanborn, New Hampton.  
Esther F. Bragg, Seabrook.

## NEW YORK

Irving S. Sears, Hamilton.  
Charles F. Brandt, Liverpool.  
Albert N. Cobb, Norwich.

## OHIO

Maurice M. Murray, Bluffton.  
John W. Keel, Bolivar.  
William H. Fellmeth, Canal Fulton.  
Albert A. Stickel, Newtown.  
Glenn B. Rodgers, Washington Court House.

## OREGON

George C. Peterson, Bay City.  
Amy L. Morand, Boring.  
Albert N. Johnson, Estacada.  
Emma M. C. Breshears, Lexington.  
Sadie B. Jones, Oakridge.  
Erle N. Hud, Seaside.  
Eva M. Stewart, Westfir.  
Mary F. Melvin, West Linn.  
Arthur W. Hodgman, Westport.

## PORTO RICO

Leonor G. Rodriguez, Guayanilla.  
Arturo G. Molina, Juncos.  
Teodoro M. Lopez, Vega Baja.

## TEXAS

Jefferson F. House, Bridgeport.  
Ralph B. Martin, Camden.  
Dewitt T. Cook, Centerville.  
John W. Claiborne, Charlotte.  
William R. Dickens, Eden.  
William E. Barron, Iola.  
Edmund A. Giese, Lagrange.  
John L. Vaughan, Lubbock.  
Henry O. Wilson, Marshall.  
Marion Zercher, Mount Vernon.  
John R. Ware, Nederland.  
Millard H. Edwards, Nixon.  
Robert L. Mobley, Santa Anna.  
Pearl B. Monke, Weinert.  
Hugh F. Skelton, Wylie.

## UTAH

Nell L. Abbott, Fort Douglas.

## WYOMING

Arnold P. Libby, Cody.  
John Hurley, Lavoie.  
Alma M. West, Medicine Bow.  
Willis L. Eaton, Wolf.

## SENATE

MONDAY, December 10, 1928

Rev. Jason Noble Pierce, D. D., pastor of the First Congregational Church of the city of Washington, offered the following prayer:

O Thou, in whom we live and move and have our being and all work is begun, continued, and finished, grant Thy presence not only in this place but in our minds and hearts, that we may accomplish Thy holy will to the glory of Thy name.

ARTHUR R. ROBINSON, a Senator from the State of Indiana, appeared in his seat to-day.

## THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 13824) authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg., and it was signed by the Vice President.

## SENATOR FROM MINNESOTA

Mr. SCHALL. I present the credentials of my colleague, Mr. SHIPSTEAD, which I ask may be read.

The credentials were read and ordered to be placed on file, as follows:

STATE OF MINNESOTA,  
EXECUTIVE DEPARTMENT,  
St. Paul.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HENRIK SHIPSTEAD was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His excellency our governor, Theodore Christianson, and our seal hereto affixed at St. Paul, this 30th day of November, A. D. 1928.

[SEAL]

THEODORE CHRISTIANSON,  
Governor of Minnesota.  
MIKE HOLM,  
Secretary of State.

#### PETITIONS

Mr. EDGE presented a letter in the nature of a petition from Mrs. Catharine B. Lippincott, of Moorestown, N. J., praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the faculty and students of the Madison High School, of Madison, N. J., praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented the petition of Miss Cora L. Hartshorn and 993 other citizens of Short Hills, Millburn, Wyoming, Newark, Maplewood, South Orange, East Orange, Basking Ridge, Summit, and Model Park, all in the State of New Jersey, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. ROBINSON of Arkansas presented a resolution of the Beta Delphian Chapter, of Jonesboro, Ark., favoring the prompt passage of the so-called Gillett resolution (S. Res. 139), suggesting a further exchange of views relative to the World Court, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Men's Bible Class of Vesta Methodist Sunday School, of Charleston, Ark., favoring the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

#### PRIVATE EMPLOYMENT BY SPECIAL COUNSEL IN OIL CASES

Mr. WALSH of Montana. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (S. J. Res. 167) limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States, and I submit a report (No. 1338) thereon. A few days ago I explained to the Senate the nature of the joint resolution; it is a matter requiring some expedition, and I ask unanimous consent for the immediate consideration of the measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc., That nothing in sections 198 or 203 of title 18 of the Code of Laws of the United States (sections 109 and 113, Criminal Code) or any other act of Congress forbidding any person in the employ of the United States or acting in any official capacity under them from acting as agent or attorney for another before any department or branch of the Government, or from receiving pay for so acting, shall be deemed to apply to counsel serving under the provisions of S. J. Res. 54, Sixty-eighth Congress, first session, approved February 8, 1924.*

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 4797) granting a pension to Alvin L. Hagood; to the Committee on Pensions.

By Mr. TYSON:

A bill (S. 4798) granting a pension to Frank V. Griffith (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 4799) granting an increase of pension to Lester L. Karns; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4800) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

A bill (S. 4801) for the relief of C. E. Briggs; and

A bill (S. 4802) for the relief of Robert Wilson; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4803) granting an increase of pension to James K. Ferguson;

A bill (S. 4804) granting an increase of pension to Rebecca Neal; and

A bill (S. 4805) granting an increase of pension to Ulysses G. Snodgrass; to the Committee on Pensions.

By Mr. CAPPER (for Mr. HOWELL):

A bill (S. 4806) for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army (with accompanying papers);

A bill (S. 4807) to authorize an appropriation to cover damages to an automobile of William H. Baldwin (with accompanying papers);

A bill (S. 4808) for the relief of the Western Electric Co. (Inc.) (with accompanying papers);

A bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger;

A bill (S. 4810) for the relief of A. C. Elmore (with accompanying papers);

A bill (S. 4811) for the relief of C. J. Colville (with accompanying papers);

A bill (S. 4812) for the relief of John T. Lennon and George T. Flora (with accompanying papers);

A bill (S. 4813) for the relief of Johnson & Higgins (with accompanying papers);

A bill (S. 4814) for the relief of Madrigal & Co., Manila, P. I. (with accompanying papers);

A bill (S. 4815) for the relief of the members of the crew of the transport *Antilles* (with accompanying papers);

A bill (S. 4816) for the relief of F. M. Gray, Jr., Co. (with accompanying papers);

A bill (S. 4817) for the relief of the Federal Construction Co. (Inc.) (with accompanying papers);

A bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex. (with accompanying papers); and

A bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.) (with accompanying papers); to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 4820) granting a pension to Carlota Padilla de Martinez; to the Committee on Pensions.

A bill (S. 4821) extending the benefits of the World War veterans' act, 1924, as amended, to Charles Mebane Fullwood; to the Committee on Finance.

By Mr. THOMAS of Idaho:

A bill (S. 4822) granting a pension to Sarah Farmer (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4823) to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park; to the Committee on Public Lands and Surveys.

By Mr. WAGNER:

A bill (S. 4824) for the relief of Francis X. Callahan; to the Committee on Military Affairs.

By Mr. HAYDEN:

A bill (S. 4825) for the relief of August R. Lundstrum; to the Committee on Military Affairs.

A bill (S. 4826) granting a pension to Cedenia Willis; and

A bill (S. 4827) granting a pension to Thomas R. Myrick; to the Committee on Pensions.

#### AMENDMENTS TO BOULDER DAM BILL

Mr. KING submitted sundry amendments intended to be proposed by him to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which were ordered to lie on the table and to be printed.

#### BRAZOS AND COLORADO RIVERS, TEX.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

#### AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 14801, the Treasury and Post Office Departments appropriation bill, which was referred to



the Committee on Appropriations and ordered to be printed, as follows:

On page 35, line 11, strike out the figures "\$23,040,000" and insert in lieu thereof the figures "\$23,155,000."

On page 40, line 9, insert the word "courts" between the word "office" and the word "and."

On page 40, line 10, strike out the words "except for the courts."

On page 40, line 10, strike out the figures "\$220,000" and insert in lieu thereof the figures "\$335,000."

Strike out the proviso beginning in line 11 and continuing through all of lines 12 and 13.

SAMUEL J. D. MARSHALL

Mr. REED of Pennsylvania. Mr. President, I have two requests for changes of reference. The first is as to the bill (H. R. 11422) for the relief of Samuel J. D. Marshall, which is now before the Committee on Claims. This bill was considered in the House by the Committee on Military Affairs and I am advised by Senator HOWELL's secretary that he is satisfied it should be referred to the Military Affairs Committee of the Senate.

The PRESIDENT pro tempore. Without objection, the Committee on Claims is discharged from further consideration of the bill and it will be referred to the Committee on Military Affairs.

RAYMOND NELSON HICKMAN

Mr. REED of Pennsylvania. The second bill, Mr. President, is House bill 8464, for the relief of Raymond Nelson Hickman, which has been referred to the Committee on Military Affairs. It involves, however, a naval matter, and I ask that it may be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. Without objection, the Committee on Military Affairs is discharged from the further consideration of the bill and it will be referred to the Committee on Naval Affairs.

CAPT. WILLIAM CASSIDY

Mr. SMITH. Mr. President, last Friday I introduced a bill (S. 4756) for the relief of Capt. William Cassidy, an officer in the military service. Inadvertently a wrong reference was made. I ask unanimous consent to have the bill, which involves legislation, withdrawn from the Committee on Claims, to which it was inadvertently referred, and referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. Fess in the chair). Without objection, that order will be made.

INAUGURATION OF PRESIDENT ELECT

Mr. WATSON. Mr. President, I submit a concurrent resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 24), as follows:

*Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.*

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator if this is the usual resolution?

Mr. WATSON. It is the usual resolution.

Mr. ROBINSON of Arkansas. I have no objection to its consideration and adoption.

The concurrent resolution was considered by unanimous consent and agreed to.

INVESTIGATION OF TOLL BRIDGES AND FERRIES

Mr. ODDIE submitted the following concurrent resolution (S. Con. Res. 25), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved by the Senate (the House of Representatives concurring), That a joint select committee is hereby created, to be known as the Select Joint Committee to Investigate Toll Bridges on the Public Highways and Ferries, which committee shall consist of three Senators who are members of the Committee on Post Offices and Post Roads, to be appointed by the Vice President, and three Members of the House of Representatives who are members of the Committee on Roads, to be appointed by the Speaker, said appointments to be made from among those who are Members of the Seventy-first Congress.*

SEC. 2. Said committee shall investigate and report to the Seventy-first Congress during its first session upon the following subjects:

1. Whether existing congressional legislation authorizing private companies or persons to build toll bridges upon the public highways of the United States adequately provides for the safety and permanence

of such structures erected or to be erected and for their adequate inspection during construction.

2. Whether, since all such bridges will ultimately become the property of the public, it is in the public interest that it have control over their initial construction and future maintenance.

3. Whether, in view of the fact that under existing Federal highway legislation Congress has required the States to agree that the roads shall be free from tolls, which requirement the States have accepted, it be just and reasonable to grant franchises permitting a revival of a system of toll gates in the form of toll bridges.

4. Whether, as currently reported, franchises granted by Congress for the building of private toll bridges have been sold, offered for sale, or made the subject of trafficking.

5. Whether there has been an excessive and extravagant capitalization of toll-bridge structures, which is reflected in the tolls paid by the public and in the value of the securities purchased by it.

6. Whether the public has demonstrated its willingness and ability to finance the construction of large bridges on as favorable or more favorable terms than private interests, and whether in such cases the use of such structures ultimately is made free to the public at an earlier period than when constructed by private capital, although a toll charge for their immediate use may have been temporarily necessary.

SEC. 3. Said committee shall also make investigation with respect to existing toll bridges on the public highways and ferries connecting therewith, such investigation to include the original investment therein, present value, outstanding securities, rate of tolls, dividends, salaries, traffic carried, and other related and pertinent matters; also the status of franchises granted, including the activities of agents in procuring such franchises, together with the disposition of such franchises by sale or otherwise.

SEC. 4. Said committee or any subcommittee thereof is authorized to sit during sessions, recesses, or adjournments of the Seventy-first Congress in the District of Columbia or elsewhere in the continental United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee or any subcommittee thereof, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution. Such expenditures, which are hereby limited to the sum of \$25,000, shall be paid from the contingent funds of the Senate and House of Representatives in equal proportions, upon vouchers approved by the chairman of said committee.

LILLIAN T. OYSTER

Mr. TYDINGS submitted the following resolution (S. Res. 278), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Lillian T. Oyster, widow of Guy H. Oyster, late an assistant clerk in the office of Hon. MILLARD E. TYDINGS, a Senator from the State of Maryland, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 332) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C., in which it requested the concurrence of the Senate.

ANNIVERSARY OF FIRST AIRPLANE FLIGHT

The joint resolution (H. J. Res. 332) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C., was read twice by its title and referred to the Committee on Military Affairs.

Mr. BINGHAM subsequently said: From the Committee on Military Affairs I report back favorably House Joint Resolution 332, being a joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.; and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. From the Committee on Appropriations I report back with amendments the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1339) thereon. I shall undertake to call the bill up immediately after the routine morning business on Wednesday.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Meanwhile the bill will be placed on the calendar.

#### THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as first in order.

Mr. BLAINE. Mr. President, I understand that my colleague [Mr. LA FOLLETTE] is interested in that bill.

Mr. ROBINSON of Arkansas. I think it had better go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. JONES. The Senator from South Dakota [Mr. McMASTER] is not here, and inasmuch as he is interested in the joint resolution I suggest that it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

The VICE PRESIDENT. A motion is pending by the senior Senator from New York [Mr. COPELAND] to recommit the bill to the Committee on Agriculture and Forestry.

Mr. CURTIS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1728) placing postmasters in the classified service was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be a discussion of the bill. I have no objection to its consideration if Senators want to proceed with it, but I would not be willing to act upon the bill without an explanation of its provisions. I suggest that it go over. The Senator from Vermont [Mr. DALE] is not present, nor does it appear that the Senator who reported the bill is present.

The VICE PRESIDENT. The bill will be passed over.

#### COLUMBIA BASIN RECLAMATION ACT

The bill (S. 1462) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes, was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. JONES. Mr. President, there was considerable opposition to the bill at the last session of Congress, and those who are interested in the bill have decided to abandon the measure in so far as adopting a project is concerned and to provide instead for the surveys that were suggested in the last Congress. I take it there will be no objection to the bill in that form. I have talked with several Members who were opposed to the bill and they all said they have no opposition to a bill providing for the surveys. Therefore I propose an amendment striking out all after the enacting clause and providing for surveys, which amendment I send to the desk.

Mr. ROBINSON of Arkansas. I believe the Senator told me that the junior Senator from Washington [Mr. DILL] concurs in the suggestion.

Mr. JONES. Yes; I present the amendment in his behalf as well as my own.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Strike out all after the enacting clause and insert in lieu thereof:

That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands that should be embraced within the boundaries of a reclamation project, heretofore commonly

known and hereafter to be known as the Columbia Basin reclamation project, and to determine definitely and recommend the best source of water supply for said lands, and which of the two proposed plans of placing water on said lands—the gravity system or the pumping plan—is the most practicable, feasible, and desirable, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable, and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes."

#### DIVISION OF SAFETY IN DEPARTMENT OF LABOR

The bill (S. 1266) to create in the Bureau of Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### CIVILIAN ASSISTANTS FOR GOVERNOR GENERAL OF PHILIPPINE ISLANDS

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 29 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, is amended to read as follows:

"SEC. 29. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, \$25,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, \$15,000; chief justice of the supreme court, \$10,500; associate justices of the supreme court, \$10,000; one assistant auditor, \$7,500; one assistant auditor, \$6,000: *Provided, however,* That no officer whose salary is so paid under this section shall receive either from the treasury of the Philippine Islands or from any other source whatever any additional salary unless specifically provided by law."

SEC. 2. That a new section is hereby inserted between sections 29 and 30 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as follows:

"SEC. 29½. That from and after the passage of this act all taxes levied, collected, and paid in accordance with law upon articles, goods, wares, or merchandise brought into the United States from the Philippine Islands shall, as heretofore, accrue intact to the general government of the Philippine Islands, and of the amounts so accruing the Governor General may, with the prior approval of the Secretary of War, expend not to exceed \$125,000 per annum, without the necessity of further appropriation, for salary, travel, and other expenses of such civilian assistants and technical advisers, not exceeding seven in number, as he may see fit to employ on contracts calling for whole-time or part-time service."

The bill had been reported from the Committee on Territories and Insular Possessions with amendments.

Mr. BINGHAM. Mr. President, there is an amendment on the desk which I desire to have read at this time.

The VICE PRESIDENT. Does the amendment of the Senator from Connecticut affect the committee amendments? There are several committee amendments.

Mr. BINGHAM. Very well; let them be acted on first.



The first amendment of the Committee on Territories and Insular Possessions was, on page 2, line 18, after the word "court," to insert the numerals "\$10,000," so as to make the clause read:

Associate justices of the supreme court, \$10,000.

The amendment was agreed to.

The next amendment of the committee was, on page 2, line 18, after the word "auditor," to strike out the numerals "\$10,000" and insert in lieu thereof the numerals "\$15,000," so as to make the clause read:

Auditor, \$15,000.

The amendment was agreed to.

The next amendment of the committee was, on page 3, line 15, after the word "advisers," to strike out the words "not exceeding seven in number" and insert in lieu thereof "or such emergency assistants."

Mr. BINGHAM. Mr. President, this last amendment will not be necessary providing the amendment which I have sent to the desk several days ago is agreed to. In view of the fact that the Philippine Legislature has met the situation by providing for what is provided for in section 2, it will not be necessary to adopt the amendment. The amendment which I propose is to strike out all of section 2.

Mr. ROBINSON of Arkansas. Mr. President, I ask that the bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

#### BILL PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### FRANCIS J. YOUNG

The bill (S. 2859) for the relief of Francis J. Young was considered as in Committee of the Whole, and as heretofore amended was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Francis J. Young, father of Wallace J. Young, late consul at Bradford, England, \$4,500, being one year's salary of his deceased son, who died of illness incurred in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was reported to the Senate as amended and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products—namely, flours, semolina, hominy, grits, and meals—and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think we should have an explanation of the bill.

Mr. TYSON. I ask that the bill go over.

Mr. CURTIS. At the last session the Senator from Tennessee [Mr. Tyson] asked that it go over. I believe it is desired to discuss the amendments, so I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. DENEEN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. HEFLIN. Mr. President, I think that there ought to be some action taken now. I understand the President of Nicaragua has been elected and there is no occasion for keeping our troops there any longer. I would like to have the Senator from Idaho [Mr. BORAH] give us some light on the subject.

Mr. BORAH. Will the Senator permit the joint resolution to go over to-day until I can get the facts as they are now? I will then submit a statement to the Senate.

Mr. HEFLIN. Very well.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

The VICE PRESIDENT. A motion is pending, entered by the senior Senator from Wisconsin [Mr. LA FOLLETTE], to reconsider the vote by which the bill was passed.

Mr. BLAINE. Mr. President, my colleague [Mr. LA FOLLETTE] is interested in the measure, and I understand that he will be here in a day or two. I therefore ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. BRUCE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5773) to provide for the construction of works for the protection of the development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

The VICE PRESIDENT. That being the unfinished business, it will be passed over temporarily.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BLEASE. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. REED of Pennsylvania (and others). Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BAYARD. Over.

The VICE PRESIDENT. The bill will be passed over.

#### HOWARD UNIVERSITY

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"Sec. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Over. However, I will say to the Senator from Virginia [Mr. GLASS] that I am perfectly willing to do anything he desires with reference to the consideration of the measure.

Mr. GLASS. I am perfectly willing to discuss it if the Senate wants to discuss it now.

Mr. BRUCE. I ask that the bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of

the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that bill go over.

The VICE PRESIDENT. The bill being objected to, will be passed over.

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

HELEN F. GRIFFIN

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order. The bill had been reported adversely by the Committee on Claims.

Mr. KING. I move that the bill be indefinitely postponed.

Mr. McNARY. Mr. President, that is a bill of which I have some knowledge, and I will appreciate it if the Senator from Utah will not move its indefinite postponement to-day. I should like to look into the bill.

Mr. KING. I withdraw my motion indefinitely to postpone the bill and merely ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

#### PROPOSED AMENDMENT OF PROHIBITION ACT

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### INVESTIGATION AND SURVEY FOR NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan Canal was announced as next in order.

Mr. BLAINE. Let that joint resolution be passed over.

Mr. EDGE. Mr. President, if the Senator will withdraw his suggestion for a moment, I should like to offer two technical amendments to the joint resolution in order to perfect it so that it will be in the final form in which at some time I propose to press for its passage. Will the Senator permit me to perfect the joint resolution so as to have it in the form in which it should be?

Mr. BLAINE. Very well.

Mr. EDGE. If there is no objection, I should like to offer, and with the acquiescence, I may say, of the Senator from Tennessee [Mr. McKellar], who originally prepared them, two short technical amendments to the joint resolution.

On page 5, line 1, after the word "authorized," I move to strike out the comma and insert the word "and"; and in the same line, after the word "empowered," to strike out the comma and the words "and directed."

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey being an amendment to that proposed by the Senator from Tennessee [Mr. McKellar] and agreed to by the Senate on May 29 last, the vote agreeing to the latter amendment will, without objection, be reconsidered, in order that the amendment of the Senator from New Jersey may be in order.

Mr. EDGE. Again, in line 6, on page 5, after the word "having," I move to strike out the comma and insert the word "incorporated"; and in line 7, before the word "ratification," to insert the words "resolution advising and consenting to a"; and in line 7, after the word "aforesaid," to insert the words "a declaration."

Mr. ROBINSON of Arkansas. What draft of the joint resolution is the Senator from New Jersey using in suggesting his amendments? The draft that I have evidently does not correspond to the one which he is employing.

Mr. EDGE. The draft I am using is the final draft that was adopted the last day of the previous session of the Senate. If the Senator will permit me to finish offering the amendments the joint resolution will then be in proper and better form.

Mr. ROBINSON of Arkansas. Certainly, I am willing to do so. All I desire is to ascertain just what the Senator is proposing.

Mr. EDGE. In line 8 I move to strike out the words "inserted the words 'It is declared by the Senate.'"

Mr. WALSH of Montana. We are unable to follow the Senator from New Jersey, because the text of the joint resolution before us is not in the form apparently of the one from which the Senator is reading.

Mr. EDGE. I appreciate the objection of the Senator, but I can assure him that if he will permit these technical amendments to be printed, he will then have a reprint of the joint resolution in such form that Senators can give it very much better consideration.

Mr. WALSH of Montana. But the Senator is asking us to agree to amendments the purport of which we do not know.

Mr. ROBINSON of Arkansas. Does the Senator from New Jersey ask to have the amendments which he is proposing acted on now?

Mr. EDGE. I was going to ask to have the amendments adopted and then ask to have the joint resolution lie over.

Mr. NORRIS. I should like to suggest to the Senator from New Jersey that he offer his amendments and let the joint resolution be reprinted with the amendments as offered. That will give every Senator an opportunity to understand the amendments.

Mr. EDGE. I shall be very glad to accept the Senator's suggestion.

I will repeat the last amendment which I suggested. It is, on line 8, to strike out the words "inserted the words 'It is declared by the Senate.'"

There is one more amendment desired. I move also, in line 15, to strike out the word "directed," and to insert the word "empowered" in lieu thereof.

Now, following the suggestion of the Senator from Nebraska [Mr. Norris], I will ask that the joint resolution be reprinted with the amendments I have offered incorporated therein, and that the joint resolution lie over.

The VICE PRESIDENT. Without objection, it is so ordered.

#### BILL PASSED OVER

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### RESERVE DIVISION OF WAR DEPARTMENT

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

The bill had been reported from the Committee on Military Affairs with amendment, on page 3, after the numerals "1922" and the period, to insert "No reserve officer shall be called to active duty for such purpose more than once or for a longer period than four years."

Mr. ROBINSON of Arkansas. Mr. President, will the Senator in charge of the bill explain its purpose and provisions?

Mr. REED of Pennsylvania. Yes, Mr. President. The sole purpose of the bill is to create in the War Department a division to which the reserve officers and the reserve authorities can resort as a center of information, exactly like the Militia Bureau which is there to-day. The Army consists now of the Regulars, the National Guard division, and the reserve division. At the present time the affairs of the reserve division and the officers in the reserve division are scattered about in a number of different offices. This bill will not add any appreciable amount of expense. It merely involves the detailing of officers of some other branches to this particular division.

Mr. ROBINSON of Arkansas. Is it intended to promote efficiency in administration?

Mr. REED of Pennsylvania. It is intended to promote efficiency in administration.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. BROOKHART. I ask that the bill may go over.

Mr. KING. Mr. President, I should like to ask a question. Does the bill provide for promotion which otherwise would not be obtainable?

Mr. REED of Pennsylvania. No; it does not.

Mr. KING. Does it advance officers from one grade to another?

Mr. REED of Pennsylvania. No; I do not think so.

Mr. KING. Is it intended to accomplish that end?

Mr. REED of Pennsylvania. It certainly is not. It is intended that there shall be a chief of the reserve division to whom recourse may be had in connection with affairs concerning the reserve, exactly as the Militia Bureau takes care to-day of the National Guard.

Mr. KING. The Senator knows that many measures innocent on their face have been offered by which promotions have been obtained from one grade to another and advancement from one rank to another.

Mr. REED of Pennsylvania. I quite understand that; but that is not the purpose of this bill. The acting chief of the bureau will have the same right as the Chief of the Militia Bureau while he is so acting; that is all.

I should like before anything is done in the way of putting the bill over to offer two further amendments.



Mr. BROOKHART. Mr. President—

Mr. REED of Pennsylvania. If the Senator from Iowa will permit me to do that and then make his request, I shall be obliged to him.

Mr. BROOKHART. Very well.

Mr. REED of Pennsylvania. I inquire if the amendment recommended by the committee has been acted upon.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. REED of Pennsylvania. I move on page 2 to strike out all of line 11 after the word "reserves," the first word in the line and to insert a period; and to strike out also all of line 12 down to the word "camps."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Again on page 2, line 18, I move to strike out the word "reserve," the last word in the line, and all of line 19.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Again, on page 2, line 22, I move to strike out all of that line after the words "Organized Reserves," and on line 23 to strike out the words "citizens' military training camp."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I might say that those amendments have been requested by the Reserve Officers' Association and have been agreed to by the National Guard Association, with whom they have been in consultation.

Mr. OVERMAN. Mr. President, as I understand this new division can be established without providing additional appropriations?

Mr. REED of Pennsylvania. That is the expectation, Mr. President.

Mr. BROOKHART. Mr. President, I have a fundamental objection to the policy of this bill, and I therefore request that it go over.

The VICE PRESIDENT. The bill will be passed over.

#### SALARIES OF DISTRICT COMMISSIONERS

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Mr. President, I objected to the consideration of this bill at the last session of Congress, and I would object to it now and shall do so if it is necessary, but I am told that the Welch bill, notwithstanding the action of the Senate in refusing to pass this bill, has advanced the salaries of the officials in question and given them the compensation provided in this bill. So indirectly there has been accomplished what this bill sought directly to bring about. Nevertheless, I object to it.

The VICE PRESIDENT. The bill will be passed over.

#### FEDERAL AID FOR RURAL POST ROADS

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, and for other purposes," was announced as next in order.

Mr. KING. Let that bill go over for the time being; it will require some discussion.

The VICE PRESIDENT. The bill will be passed over.

#### DETAIL OF PUBLIC ROAD ENGINEERS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. KING. Mr. President, the purpose of this bill undoubtedly is commendable, and anything that would bring about more cordial relations between the United States and Latin America meets my hearty approval. However, we are building roads here at the present time for which our engineering staff will be required. For the moment, until we have further opportunity to examine it, I suggest that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this appears to be a very important bill. I have no objection to taking it up,

but I think it ought to be discussed and given adequate consideration.

Mr. BORAH. Mr. President, I have just come into the Chamber. I realize the bill can not be disposed of this morning, so I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

#### BILLS PASSED OVER

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. ODDIE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. BLAINE. I ask that the bill go over.

Mr. DILL. Mr. President, I wish to say that I have objected to this bill heretofore and I shall continue to object to it unless there shall be incorporated in it an amendment giving the proposed authority to the official in charge of the Capitol only in the event Congress is not in session. I am opposed to allowing him to have the power when Congress is in session.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

Mr. JONES. Mr. President, I had very much hoped that this bill might be passed. It has been reported unanimously by the Commerce Committee and is in accordance with the Democratic platform adopted in the last campaign.

Mr. KING. The Democrats did not win.

Mr. SMOOT. I shall have to ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. MOSES. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

Mr. WHEELER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.  
The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### ENGINEER FIELD CLERKS WITH THE AMERICAN EXPEDITIONARY FORCES

The bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk and field clerk, Quartermaster Corps of the United States Army, when honorably discharged, was announced as next in order.

The VICE PRESIDENT. This bill was adversely reported.

Mr. KING. I move that it be indefinitely postponed.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion to postpone indefinitely was agreed to.

#### BILL PASSED OVER

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. JONES. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### FREDERICK D. SWANK

The bill (S. 584) for the relief of Frederick D. Swank was announced as next in order.

Mr. OVERMAN. Let that go over.

Mr. JONES. Mr. President, who asked that the bill go over?

Mr. OVERMAN. I did, Mr. President; but after the explanation which has been made to me by the Senator from Washington I withdraw my objection.

Mr. ROBINSON of Arkansas. Mr. President, some others of us would like an explanation.

Mr. JONES. Mr. President, I will state that the chairman of the committee who reported this bill went into the facts very carefully. In brief, it is a bill in regard to the removal of a wreck, the facts in regard to which developed very differently from what the War Department or the Navy Department alleged in the first instance. The committee went into the matter very carefully.

Mr. ROBINSON of Arkansas. I note that the original claim presented in the bill was for \$91,000 plus.

Mr. JONES. Yes.

Mr. ROBINSON of Arkansas. And that the committee reduced the amount to \$22,000 for extra services and materials and for furnishing lights on the wreck while the claimant was removing it.

Mr. JONES. That is for a definite amount about which the committee had no doubt. Then they have recommended referring the rest of the claim to the Court of Claims to study and investigate and ascertain the amount that may be due.

Mr. ROBINSON of Arkansas. Why was not the entire claim referred to the Court of Claims?

Mr. JONES. The Senator from Oregon [Mr. STEIWER] went into the matter very carefully.

Mr. STEIWER. Mr. President, I think possibly I can answer the Senator's question. The claim was made up of several items, the aggregate amount of which is covered in the original bill. Some of those items were in dispute, and some were not. The items that were conceded by the War Department and evidently were sustained by every consideration, the committee believed, should be accepted.

Mr. ROBINSON of Arkansas. May I ask the Senator why the War Department did not pay the part of the claim that it admitted to be due?

Mr. STEIWER. They desired to pay it, but felt that they were not authorized to do so under the law. They recommended that it should be paid.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. STEIWER. The Budget Director, too, has given his sanction to that part of the bill. The rest of the claim is in dispute. The committee, therefore, preferred that it be referred to the Court of Claims.

Mr. ROBINSON of Arkansas. The committee included in the authorization for appropriation no part of the claim that was objected to by the War Department?

Mr. STEIWER. No; none at all.

Mr. ROBINSON of Arkansas. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick D. Swank, his heirs or assigns, the sum of \$22,000 for extra services and materials furnished by him in removing oil residue from the wreck of the oil tanker *Alden Anderson*, and the sum of \$250 for services and materials furnished in maintaining lights upon the wreck during the period of his contract with the United States for the removal of such wreck. The acceptance of such sums shall be in full satisfaction of all claims against the United States with respect to such removal of oil residue and maintenance of lights.

SEC. 2. Jurisdiction is hereby conferred upon the District Court of the United States for the Northern District of California, to hear, determine, and render judgment upon the claim of said Frederick D. Swank against the United States for the reasonable value of all services and materials (other than the services and materials specified in section 1 of this act) furnished by him in connection with the removal of the wreck of the oil tanker *Alden Anderson*; except that there shall be deducted from any such judgment all sums paid prior to the approval of this act to said Frederick D. Swank with respect to such removal. Such claim shall be instituted within six years after the right accrued for which the claim is made. Appeals from any judgment rendered upon such claim shall be had as in the case of claims over which such court has jurisdiction under paragraph 20 of section 24 of the Judicial Code, as amended.

Mr. JONES. Mr. President, in justice to the chairman of the committee, the Senator from Nebraska [Mr. HOWELL], I feel that I should say before the bill is passed that the Senator from Nebraska has insisted upon the whole amount being referred to the Court of Claims, but with the specific limitation, as I understood him, that the adjudication should be confined to the express terms of the contract. I am frank to say that if that should be done none of the equities and none of the real matters in controversy would have any consideration. The committee, aside from the chairman, was unanimously in favor of the measure as reported by the Senator from Oregon [Mr. STEIWER].

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES. Yes.

Mr. KING. Does the Senator mean, then, that this matter will go to the Court of Claims, and the Court of Claims can make a new contract between the United States and this man?

Mr. JONES. Not exactly a contract; but much of this work really was done outside the terms of the contract. As a matter of fact, I understand that if the contract had been strictly adhered to the cost to the Government would have been possibly several hundred thousand dollars more than the contractor now claims. The situation, however, was such that the contractor felt that the interests of the Government really required that the work should proceed, even though not strictly under the terms of the contract; but he is perfectly willing that the matter shall be referred to the Court of Claims and that his contention shall be passed upon by that body. It seems to me that his attitude has been extremely fair to the Government and that the action of the committee is fair to the Government and reasonably fair to the contractor, so I hope the bill may pass.

Mr. KING. Mr. President, I move to strike out, in line 20, on page 2, of the amendment, the words "six years." Before doing so, may I inquire when it is claimed that the right of action accrued? Why would it not be better to provide that suit should be brought within a certain time after the passage of this act?

Mr. ROBINSON of Arkansas. Within one year.

Mr. KING. Within one year or six months.



Mr. JONES. I have no objection to an amendment of that kind.

Mr. KING. I move to strike out the words "such claim shall be instituted within six years after the right accrued for which the claim is made" and in lieu thereof to insert the words "action shall be instituted within one year after the passage of this act."

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS, ETC., PASSED OVER

The joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. ROBINSON of Arkansas. Mr. President, I wonder if that joint resolution can not be taken up and disposed of now. Is the Senator who objected willing to withdraw the objection?

Mr. COUZENS. I think it ought to go over to the next Congress. That is my judgment as a result of reading the joint resolution.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. TYSON. Let that go over.

Mr. ROBINSON of Arkansas. Mr. President, I call the attention of the Senator from Pennsylvania [Mr. REED] to this bill. I do not believe it would be advisable to take up a bill of this importance under this order of business.

Mr. REED of Pennsylvania. I think not. I understood some Senator to ask that it go over.

Mr. ROBINSON of Arkansas. I did not know that.

The VICE PRESIDENT. The bill will be passed over.

#### STREETS AND ALLEYS WITHIN GROUNDS OF WALTER REED HOSPITAL

The bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. BRUCE. Mr. President, I hope the Senator will not object to the consideration of the bill. It was reported favorably to the Senate during the Sixty-ninth Congress, and passed by the Senate, and went over to the House. That was after the very fullest deliberation was had in committee with reference to the bill, and after the bill had been agreed upon in conferences between the District Commissioners, members of the Senate and House District Committees, and the authorities in charge of the Walter Reed Hospital.

Mr. REED of Pennsylvania. Mr. President, I have tried to make a careful study of the measure. I have taken up the matter with the War Department and with the authorities of the Walter Reed Hospital, and if that street should be extended as the bill provides I am convinced that it will work a very serious injury to the Walter Reed Hospital and that that injury would be irreparable.

You can not put a busy street through the middle of the hospital reservation without serious injury to convalescent patients who are using the grounds, and who, on many days, would be unable to get from one part of the grounds to the other because of the traffic. I am sure it would be a mistake, and I am objecting now because I shall want to be heard at length upon the bill before it passes. I shall not try to prevent the Senator from getting up his bill for consideration by making it the unfinished business at some time when we can put a couple of hours on it.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment? Apparently the Senator did not hear me make the statement that the Walter Reed Hospital had agreed to the passage of this bill and it is so stated in the report of the committee to the Senate. If that is true, I can not see why the Senator should entertain so much tenderness for the Walter Reed Hospital when the Walter Reed Hospital does not entertain any great tenderness for itself.

Mr. REED of Pennsylvania. I am glad to answer that question. I have in my desk a letter from the Acting Secretary of War, dated November 28 of this year, calling attention to the statement in the report of the committee which says that the bill has been agreed to by those in charge of Walter Reed Hospital. The letter goes on to say:

The above-quoted statements were true as to S. 2477, Sixty-ninth Congress, \* \* \* and are quoted from the report on that bill. \* \* \* However, the War Department no longer favors such legislation, as further study of the conditions at Walter Reed indicate that it is undesirable for the following reasons:

Does the Senator wish me to give the reasons now?

Mr. BRUCE. No. I was not aware of the existence of any such communication. Of course, that gives the matter a different aspect, so I will not ask for the consideration of the bill at this time.

Mr. REED of Pennsylvania. I ask unanimous consent to put the letter in its entirety in the RECORD at this point.

The VICE PRESIDENT. Without objection, that order will be made.

The letter is as follows:

WAR DEPARTMENT,  
Washington, D. C., November 28, 1928.

HON. DAVID A. REED,

Chairman Committee on Military Affairs,  
United States Senate.

DEAR SENATOR REED: It is noted that on May 12, 1928, the Committee on the District of Columbia, United States Senate, made a favorable report on S. 3440, "A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street."

The report as made contains the following statements with respect to the attitude of the War Department:

"The bill hereby reported has been agreed upon in conferences between the District Commissioners, the members of the Senate and House District Committees, and those in charge of Walter Reed Hospital. It permits traffic through the hospital reservation on Fourteenth Street extended except as to street cars and solid-tire trucks, which are prohibited. The grade of the street through the hospital reservation shall be subject to the approval of the Secretary of War, and regulation and control of traffic within the limits of the reservation is to be under the supervision of the hospital authorities."

The above-quoted statements were true as to S. 2477, Sixty-ninth Congress, a similar bill which was passed by the Senate April 29, 1926, and are quoted from the report on that bill as being applicable to S. 3440. However, the War Department no longer favors such legislation, as further study of the conditions at Walter Reed indicates that it is undesirable for the following reasons:

If a hospital is to best serve its purposes it should be located in as quiet a zone as it is possible to secure.

Every precaution should be taken to remove all danger to the sick and disabled, and unrestricted traffic would be a menace to the patients going from ward to ward as is necessary in reaching the various clinics involved in their examination and treatment.

The present grounds are being developed into a park for the convalescents, and putting through a street will seriously interfere with such development and curtail the amount of ground available for that purpose.

Increased traffic through the grounds is undesirable as it constitutes a danger to the patients, increases the noise and dirt, and renders traffic control difficult.

In the opinion of the War Department the extension is not required in order to furnish transportation facilities for people living north of Walter Reed, as Sixteenth Street and Georgia Avenue will accommodate such traffic.

The chief interests behind this movement are believed to be the result of real-estate exploitation, and this reservation should not be sacrificed to such interests.

The building program already started will be seriously interfered with if Fourteenth Street is to be opened, as important and substantial buildings are scheduled for locations which would not then be available. One of these—"the nurses' quarters"—has already been authorized and money appropriated for its construction.

In view of the facts as presented above, it is requested that your committee take such action as may be possible to prevent the passage of S. 3440.

Sincerely yours,

C. B. ROBBINS,  
Acting Secretary of War.

Mr. NORRIS. Mr. President, the Senator has read part of the letter. I wish he would read the rest of it.

Mr. BRUCE. I hope the Senator will allow me to call his attention to the fact that, of course, this bill prohibits the use

of solid-tire vehicles on the thoroughfare that is to pass through the hospital grounds, and also provides, of course, that the War Department shall have the power to fix the grades of the thoroughfare where it passes through those grounds.

Mr. REED of Pennsylvania. Mr. President, it will not take long to give the War Department's reasons, and I know that a number of Senators are interested in the matter. They state that the bill is opposed for the following reasons:

If a hospital is to best serve its purposes, it should be located in a quiet zone as it is possible to secure.

Every precaution should be taken to remove all danger to the sick and disabled, and unrestricted traffic would be a menace to the patients going from ward to ward, as is necessary in reaching the various clinics involved in their examination and treatment.

The present grounds are being developed into a park for the convalescents, and putting through a street will seriously interfere with such development and curtail the amount of ground available for that purpose.

Increased traffic through the grounds is undesirable, as it constitutes a danger to the patients, increases the noise and dirt, and renders traffic control difficult.

In the opinion of the War Department, the extension is not required in order to furnish transportation facilities for people living north of Walter Reed, as Sixteenth Street and Georgia Avenue will accommodate such traffic.

The chief interests behind this movement are believed to be the result of real-estate exploitation and this reservation should not be sacrificed to such interests.

The building program already started will be seriously interfered with if Fourteenth Street is to be opened, as important and substantial buildings are scheduled for locations which would not then be available. One of these—"the nurses' quarters"—has already been authorized and money appropriated for its construction.

I might add that the foundation excavation for the nurses' quarters has been made. It lies right across the line on which it is proposed to extend this street, and I believe that some little work has been done on the foundation already.

The extension of that street would result in tremendous injury to the hospital. I feel that very deeply, and I would like to be heard at length before the bill passes.

Mr. BRUCE. Now, Mr. President, in view of the fact that the Senator has stated in detail his objections to the bill, I wish to say that under the provisions of the bill street cars and solid-tired trucks would not be permitted to pass through the hospital reservation. Moreover, what is contemplated is a subway under the reservation. The grade of the street would be subject to the approval of the Secretary of War, and the regulation and control of traffic within the limits of the reservation would be under the supervision of the hospital authorities. So it seems to me it is perfectly manifest that every possible safeguard, as far as the hospital is concerned, would be thrown around the street extension that could be thrown around it.

I move that the bill be taken up for consideration.

Mr. REED of Pennsylvania. A point of order, Mr. President. Is that motion in order before 1 o'clock?

The VICE PRESIDENT. The motion is in order at the present time.

Mr. JOHNSON. Mr. President, may I ask the effect of taking up this particular bill?

The VICE PRESIDENT. It would not affect the unfinished business.

Mr. REED of Pennsylvania. I ask for the yeas and nays on the motion of the Senator from Maryland.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

Mr. BRUCE. I desire to announce that the senior Senator from New York [Mr. COPELAND] is detained at his home by illness in his family.

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from Louisiana [Mr. BROUSSARD], the senior Senator from North Carolina [Mr. SIMMONS], the junior Senator from North Carolina [Mr. OVERMAN], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are necessarily absent on official business.

The result was announced—yeas 19, nays 56, as follows:

## YEAS—19

Ashurst	Dill	Hayden	Swanson
Bayard	Fletcher	Heflin	Tydings
Black	Glass	King	Tyson
Blease	Harrison	Locher	Walsh, Mass.
Bruce	Hawes	Ransdell	

## NAYS—56

Barkley	Gillett	Metcalf	Shipstead
Bingham	Glenn	Moses	Smoot
Blaine	Goff	Neely	Steck
Borah	Gould	Norris	Steiwer
Bratton	Greene	Nye	Stephens
Brookhart	Hale	Oddie	Thomas, Idaho
Capper	Harris	Phipps	Thomas, Okla.
Caraway	Johnson	Pine	Trammell
Couzens	Jones	Reed, Pa.	Vandenberg
Curtis	Kendrick	Robinson, Ark.	Walsh, Mont.
Deneen	Keyes	Robinson, Ind.	Warren
Fess	McKellar	Sackett	Waterman
Frazier	McMaster	Schall	Watson
George	McNary	Sheppard	Wheeler

## NOT VOTING—20

Broussard	Edwards	McLean	Reed, Mo.
Copeland	Gerry	Mayfield	Shorridge
Dale	Howell	Norbeck	Simmons
du Pont	La Follette	Overman	Smith
Edge	Larrazolo	Pittman	Wagner

So Mr. BRUCE's motion was rejected.

Mr. SACKETT. Mr. President, the bill in regard to which a vote has just been taken has been only before the Committee on the District of Columbia, which has taken up the question of the streets, and I think it should be committed to the Committee on Military Affairs, as it is a matter in which the War Department is vitally interested. I so move.

Mr. BRUCE. Mr. President, I did not hear all of the Senator's remarks. What is the motion?

The PRESIDENT pro tempore. The motion is to commit the bill to the Committee on Military Affairs.

Mr. BRUCE. I have no objection.

The motion was agreed to.

## BILLS AND RESOLUTIONS PASSED OVER

The resolution (S. Res. 113) favoring the restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal land and intermediate credit bank of Columbia, S. C., was announced as next in order.

Mr. BLEASE. I am ready to take up the resolution now, but I have no objection to its going over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion waters of the North Platte River and construction of Casper-Alcova reclamation project was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5527) to prevent deception or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.



The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, the bill really ought to be discussed at some length before it is passed, and therefore I will have to ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### THE PULLMAN SURCHARGE

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. ROBINSON of Arkansas. Mr. President, this is a bill eliminating the Pullman surcharge. It provides that after the passage of the act it shall be unlawful to collect what is known as the Pullman surcharge. Senators will remember that an identical bill has three times passed the Senate, but has failed in the body at the other end of the Capitol.

Mr. SMOOT. Mr. President, I would like to have the bill go over for the present.

Mr. ROBINSON of Arkansas. The Senator states he desires that the bill shall go over for the present. I have no objection, although I am ready to take it up.

Mr. SMOOT. I will ask the Senator to let it go over for a day or two.

Mr. ROBINSON of Arkansas. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

#### COTTON FUTURES CONTRACTS

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. JONES. Mr. President, may I inquire if this is a unanimous report from the Committee on Agriculture and Forestry?

Mr. RANDELL. I think it is.

Mr. ROBINSON of Arkansas. The Senator from South Carolina [Mr. SMITH], who reported the bill, appears to be absent this morning.

Mr. McNARY. I think, in view of the statement of the Senator from Arkansas, I shall ask that the bill go over.

Mr. ROBINSON of Arkansas. I believe it had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### STATISTICS OF TOBACCO

The bill (H. R. 53) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture was announced as next in order.

Mr. SWANSON. Over.

Mr. BARKLEY. Mr. President, I would like to ask the Senator from Virginia if he does not think the bill should be considered at this time? It passed the House unanimously and there is a unanimous report from the committee.

Mr. SWANSON. My information is that the tobacco associations in my State are opposed to it. I have been unable to learn of any demand from a single individual in my State for the passage of any such measure.

Mr. KING. Mr. President, I want to look into the bill myself, and therefore ask that it may go over.

Mr. BARKLEY. May I ask the Senator from Virginia—

The PRESIDENT pro tempore. Does the Senator from Virginia withhold his objection?

Mr. SWANSON. I do not.

The PRESIDENT pro tempore. The bill will be passed over.

#### NATIONAL INSTITUTE OF HEALTH

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### STANDARDIZATION OF COTTON BALES

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Louisiana if the terms of the bill could be carried out successfully? Suppose cotton was baled in Louisiana and shipped to

Boston, Mass.; would the cotton increase in weight by virtue of a change from a warm, dry climate to a cold, wet climate?

Mr. RANDELL. Will the Senator make his point a little clearer to me? I am not sure that I understand it.

Mr. SMOOT. If I bought a bag of wool and the contents weighed 250 pounds and it was shipped from a real dry, warm climate to Boston, where there is a wet, cold climate, and if the wool should lie untouched for a couple of weeks, or even a week, the wool content would increase in weight and not decrease. Is that the case with cotton?

Mr. RANDELL. No; I do not think it is; but I will state that that is not the idea or purpose of the bill. The purpose of the bill is to require cotton to be sold by the true net weight of the lint rather than by the gross weight, as it is now sold.

Mr. SMOOT. Yes; the bill states that. I would not want to enact a law which we know beforehand could not be enforced. The true net weight of a bale of cotton in Louisiana on the 1st day of July would be one thing, but in Boston it might be another thing. We do not want to enact a law requiring 500 pounds of actual net weight in a bale of cotton when it is shipped from a warm, dry climate, because by virtue of a change in climatic conditions there would probably be an increase in weight, if I am correctly informed. I called attention to the fact that wool will increase when shipped from a dry climate to a wet climate by reason of absorption from the atmosphere. What I asked the Senator was whether that is the case with cotton. I am not so familiar with cotton as I am with wool. If it is the case with cotton, I hardly see just how we could pass the bill without bringing trouble to those interested.

Mr. RANDELL. I do not understand that is the case with cotton, but I will say to the Senator that even if it were the case it would not militate against the passage of the bill. The bill is to correct an archaic custom that has been in existence for many, many years, under which the cotton is sold by the gross weight of the bale, and there are usually about 25 to 26 pounds of bagging and steel ties which have no value at all. We simply want to do away with that practice. We want to sell the net cotton or fleece that can be marketed. As it is now it really puts a premium on and almost requires people to use this bagging. We want to do away with that practice and let a man cover his cotton with anything he desires. Answering directly the Senator's question, I do not think there is any such trouble as that.

Mr. SMOOT. I am in full sympathy with what the Senator states. There is no difference between us. The only question in my mind is whether cotton, when shipped from a moist section of the country to a drier atmosphere, would weigh less in the drier atmosphere than in the more moist atmosphere.

Mr. RANDELL. I do not think so. Cotton is so tightly pressed that after it once goes into the bale it can not absorb any moisture.

Mr. ROBINSON of Arkansas. Mr. President, I would like some explanation in justification of the bill. It seems to me the bill would impose a hardship on the producer of cotton. At present the price per pound comprehends not only the net pounds of lint actually embraced within the bale but also the weight of the wrapping, including the bagging and the ties. The Senator proposes to make it a criminal practice to use any other than the standardized form for the purpose of eliminating the weight of the bagging and ties. I must object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

#### BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. KING. Mr. President, I should like to ask whether or not there is a report on this bill?

Mr. BRUCE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

Mr. JONES. Let that bill be passed over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1928, was announced as next in order.

Mr. METCALF. Let that joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. BRATTON. Mr. President, I should like to have some explanation of the manner in which this bill proposes to amend section 227 of the Judicial Code.

Mr. McNARY. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

#### STANDARDIZATION OF COTTON BALES

Mr. RANDELL. Mr. President, I understand that the Senator from Arkansas [Mr. ROBINSON] is willing to withdraw his objection to Senate bill 872, which was before the Senate a few moments ago.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. HEFLIN. Mr. President, I want an opportunity to look into the bill. I am not satisfied to proceed with its consideration to-day.

Mr. ROBINSON of Arkansas. Let me state to the Senator from Alabama that I am willing to withdraw my objection to the consideration of the bill. I am, however, in the same attitude of mind that he seems to be. I want to know something about the bill before it shall be passed.

Mr. HEFLIN. I ask that the bill go over until we can look into it.

The PRESIDENT pro tempore. The bill will be passed over.

#### ALTERATIONS AND REPAIRS TO NAVAL VESSELS

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. KING. Let that bill go over.

Mr. HALE. Mr. President, if the junior Senator from Utah will permit me, I desire to state that this is not the so-called cruiser bill, but is merely a bill to modernize two battleships. It is in line with what has been done in the naval program for the last three or four years. It is desirable to have this authorization out of the way so that appropriations may be made when the naval appropriation bill comes up later on in the session.

Mr. KING. Mr. President, I think it might be a good idea to consider the two bills together. That may be done, of course, by unanimous consent.

Mr. HALE. There is no connection of any kind between this measure and the bill for an addition to the Navy. This is simply a bill to authorize the altering and repairing of two of our older battleships, and is in line with what we have been doing for the last few years.

Mr. KING. I know; but we wish to discuss the naval policy of the United States, and a discussion of the naval policy and the enormous appropriations which are made for the Army and for the Navy for ordinary expenses, and for what might be denominated extraordinary expenses, may take place in the consideration of both bills.

Mr. HALE. I take it the Senator from Utah does not mean to give up the Navy altogether?

Mr. KING. There is no such suggestion, but, as the Senator from Maine knows, I have been very much opposed to the reactionary policy of some persons who are connected with the Navy when they insisted upon building 18 capital ships at a cost of more than a billion dollars, instead of building some airplanes, airplane carriers, and submarines. I think that some of the policies of the Navy Department are not consistent with an up-to-date, modern, scientific Navy.

Mr. HALE. Mr. President, we have 18 battleships in our Navy, and we have already modernized 8 of them, providing deck protection and blisters and a few other changes in connection with them. I hope the Senator from Utah will allow this bill to go through. I repeat it is merely carrying out the policy which we have already inaugurated.

Mr. KING. I shall be very glad to join with the Senator in taking this bill up when we can have a little discussion of it, as some criticism has been made in regard to this measure.

Mr. HALE. The Senator has a right to object.

The PRESIDENT pro tempore. The bill will go over.

#### BILLS PASSED OVER

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. HALE and Mr. KING asked that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### HOWARD P. MILLIGAN

The bill (H. R. 13440) for the relief of Howard P. Milligan was announced as next in order.

Mr. REED of Pennsylvania. I think that is the same as the bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of infantry in the Regular Army, and I ask that the bill go over.

Mr. FLETCHER. Should the bill not be referred to the Committee on Military Affairs?

Mr. REED of Pennsylvania. I do not understand why the bill was placed on the calendar instead of being referred to that committee.

The PRESIDENT pro tempore. The bill came over to the Senate the last day of the last session and some Senator objected to it.

Mr. REED of Pennsylvania. Then I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

#### S. L. ROBERTS

The bill (S. 3741) for the relief of S. L. Roberts was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "\$2,469.99" and insert "\$1,500," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to S. L. Roberts, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500, as full compensation for services rendered in 1919 to the Alien Property Custodian by the firm of Crandall & Roberts in auditing the books of the Columbia & Northern Fishing & Packing Co.

Mr. KING. Mr. President, I desire to ask the Senator from Oregon, who reported this bill, whether the appropriations which have been made for the Alien Property Custodian are not sufficient to meet this expenditure?

Mr. STEIWER. Mr. President, the difficulty respecting this little claim was that the Alien Property Custodian turned over the corpus of the trust; that is, the property held, and he has no funds from which to pay the item. It is not disputed, and the Alien Property Custodian himself recommends the payment. He would make the payment out of his funds if that were possible and it could be so made. I hope there will be no objection.

Mr. KING. May I ask the Senator whether or not the service rendered merited such a large appropriation?

Mr. STEIWER. Oh, yes; and there was an agreement made for the payment of \$1,500. The services were rendered in accordance with that agreement, and in addition to that further services were rendered. The bill, therefore, was drawn for something more than \$1,500; but some dispute grew out of the matter, and the Alien Property Custodian recommended merely that we pay in accordance with the original agreement. The bill, therefore, has been amended to that effect and is in the sum of \$1,500 instead of the original amount.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SALARIES OF FIRST-CLASS POSTMASTERS

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDENT pro tempore. May the Chair say to the Senator from Utah that this is a House bill which came over while a Senate bill of similar purport was then pending? By agreement the two bills were consolidated and the amendments agreed to; but at a later stage of the proceedings objection was made and the bill, therefore, went to the calendar. The Senate, however, had already agreed as to the subject matter of the bill.

Mr. KING. Well, objection is made now.

The PRESIDENT pro tempore. The objection is now insisted upon, and the bill goes over.

Mr. JONES. Mr. President, according to the statement on the calendar, this bill has never been before a Senate committee.

The PRESIDENT pro tempore. A similar Senate bill, the given number of which the Chair does not now recall, was introduced, as he remembers, by the Senator from New Jersey. That bill was heard and acted upon in the committee. Then the House bill came over when the Senate bill was on the



calendar. The record, in the opinion of the Chair, in the last column of the calendar should be substantially the same as for Calendar No. 1366, where a substitution was made upon motion of the Senator from California.

Mr. JONES. The calendar certainly should be corrected so as to show the state of affairs as disclosed by the chairman of the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. The bill will be passed over.

#### BOULDER DAM

The bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. That is the unfinished business, and will be passed over.

#### TRAVEL PAY AND ALLOWANCES TO CERTAIN SOLDIERS

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. KING. Mr. President, I understand there is some objection to that bill and that it will lead to some discussion. So I suggest that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### DISPOSAL OF LIGHTHOUSE RESERVATIONS

The bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce is hereby authorized to transfer to the Colonial Dames of America in Virginia the following-described portion of the Dutch Gap Lighthouse Reservation, Va.: Beginning at a stone marked "A" on blue print No. 5624, on file in the office of the Superintendent of Lighthouses, Baltimore, Md., which is designated as the point of beginning in deed dated November 12, 1889, from the city of Richmond to the United States and recorded among the land records of Henrico County, Va., in deed book No. 128-A, page 301, etc., running thence south 40° west 122.98 feet to B, thence south 50° east 228 feet to C, thence north 40° east 160 feet to D, thence north 50° west 60 feet to E, thence north 40° east 162.98 feet to F, thence north 50° west 118 feet to G, thence south 80° west 78 feet to H, thence south 40° west 140 feet to A, the point of beginning, containing 1.43 acres, which includes all of the land conveyed from the city of Richmond to the United States by aforementioned deed, and all of first parcel described in deed of May 30, 1873, from city of Richmond, Va., to the United States recorded in deed book No. 92, page 72, etc., except plots D, E, F, J, which is retained by the Lighthouse Service. The property shall be used and maintained by the Colonial Dames of America in Virginia for historical purposes only. If at any time for a period of one year it should not be so used and maintained, it shall revert to the United States without notice, demand, or other suit or proceeding. The United States reserves the right to locate and maintain upon the property so transferred any aids to navigation and in any locations thereon the Secretary of Commerce may deem necessary and to enter and leave the property by the most convenient routes for this purpose.

SEC. 2. The Secretary of Commerce is hereby authorized to convey by quitclaim deed to the Ann Arbor Railroad Co., having its principal place of business at Toledo, Ohio, a tract of land lying south of the harbor entrance connecting Lake Michigan and Lake Aux Boes Sucs, at Frankfort, Mich., deeded to the United States by warranty deed on August 1, 1908, from Charles T. Parker administrator de bonis non com testamento annexo of Henry Day, deceased, said deed being recorded February 23, 1909, in the register's office of Benzie County, Mich., in liber 39 of deeds, pages 57 and 58, described therein by metes and bounds, as follows:

"Beginning at a point on the fence situated on the west side of the buildings of the life-saving station 70 feet measured on said fence from the southerly boundary of the life-saving station reservation; running westerly 150 feet parallel with the south boundary of the reservation; thence true north 150 feet, more or less, to the face of the revetment; thence easterly along the face of the revetment to its intersection with the fence aforesaid; thence in a southerly direction along the line of said fence 150 feet, more or less, to the place of beginning, being an area of land approximately 150 feet square, which land is situated in the southeast quarter northeast quarter section 28, township 26 north, range 16 west, Benzie County, Mich.; excepting perpetual easements for life-saving purposes granted to the United States of America in certain conveyances bearing dates, respectively, November 4, 1883, and June 3, 1889."

The said tract of land to be given in exchange for and dependent upon the Ann Arbor Railroad Co. conveying to the United States the fee-simple title, as evidenced by a warranty deed and abstracts acceptable

to the Attorney General of the United States, to the following tract of land lying northerly of the said harbor entrance and described by metes and bounds, as follows:

"Starting at the common corner between sections 21, 22, 27, and 28, township 26 north, range 16 west, State of Michigan, running due west along the section line a distance of 690 feet; thence running due south a distance of 1,160.38 feet, to a stake, thence north 86° 36' west, a distance of 291 feet to the place of beginning.

"Thence running south 3° 24' west, a distance of 80 feet to a stake; thence north 86° 36' west, for a distance of 281 feet to a stake; thence north 3° 24' east, for a distance of 80 feet to a stake; thence south 86° 36' east, for a distance of 281 feet to the place of beginning of the land hereby conveyed, containing one-half acre, more or less."

SEC. 3. The Secretary of Commerce is hereby authorized to transfer to the control of the Secretary of the Navy the parcels of land herein-after described and forming portions of the Parris Island Lighthouse Reservation, S. C.:

Parcel No. 1. The tract of land, together with all buildings and appurtenances, which was formerly the site of the Parris Island Range Front Light, described as follows in a deed of July 26, 1878, from James C. Snyder to the United States, recorded June 12, 1879, in book No. 11, page 511, of Beaufort County register's office:

"All that piece or parcel of land being a part of a tract of land formerly known as the 'Means Plantation' and numbered according to a map of a survey on file in the office of Commissioner of Internal Revenue, Washington, D. C., as lot 23, section 20, township 2 south of Beaufort base line and 1 west of the St. Helena meridian in the county of Beaufort and State of South Carolina, to wit:

"Commencing at a point on the shore of a creek known as 'Means Creek' north 28° 41' west, 206 feet from the southeast corner of lot 23 of the aforesaid map and running thence north 77° 30' west, 558 feet; thence north 72° 15' east, 710 feet to Means Creek; thence southerly along the shores of Means Creek to the place of beginning, the whole containing 2½ acres, more or less, and including the water privileges of the front on Means Creek, and \* \* \* a right of way of sufficient width for the construction of an earthen causeway and for the procuring of the material to construct and keep in repair the same across the land lying between the aforesaid piece or parcel of land and an earthen causeway across the marsh to the southerly end of Parris Island."

Parcel No. 2. The tract of land, on which the Parris Island Range Rear Beacon is now located, described as follows in a deed of February 28, 1879, from Silas E. Taylor to the United States, recorded November 14, 1879, in book No. 11, page 576, of Beaufort County register's office:

"All that piece and parcel of land situated, lying, and being on Parris (or Parry) Island in the county of Beaufort and State of South Carolina, to wit:

"All of the NE. ¼ NE. ¼ SE. ¼ section 18, township 2 south, range 1 west, of Beaufort principal meridian, according to a plat of the United States survey on file in the office of Commissioner of Internal Revenue, Washington, D. C., and numbered according to the said plat, lot 33, of the aforesaid section, containing 10 acres, more or less."

The Parris Island Range Rear Beacon shall be allowed to remain in its present position until removed or relocated by or with the permission of the Department of Commerce Lighthouse Service. The Department of Commerce Lighthouse Service shall also retain the right of ingress and egress by the most convenient route across the above-described parcel No. 2, for maintenance, relocation, or removal of the said rear beacon of this range.

SEC. 4. The Secretary of the Treasury is hereby authorized and directed to transfer to the Department of Commerce for lighthouse purposes an additional strip of land 6 feet in width, extending in a southerly direction from Jefferson Avenue a distance of 150 feet, parallel and contiguous to the easterly line of the portion of the old Marine Hospital Reservation, Detroit, Mich., which was transferred to the Department of Commerce by authority of the act of Congress approved May 18, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CLAIMS OF WINNEBAGO INDIANS

The bill (H. R. 7346) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1855 (10 Stat. 1172), and the act of February 21, 1863 (12 Stat. 658), or arising under or growing out of any subsequent act of Congress, Executive order, or treaty which said Winnebago Tribe of Indians, or any band thereof, may have against the United States, which claims have not heretofore been determined and adjudicated on

their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within three years from the date of the approval of this act, and such suit shall make the Winnebago Indians, or any band thereof, party plaintiff and the United States party defendant. The petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Winnebago Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Winnebago Indians as hereinafter provided. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Winnebago Indians to such treaties, papers, correspondence, and records as they may require in the prosecution of any suit instituted under this act.

SEC. 3. In said suit or suits, the court shall hear, examine, and adjudicate any claims which the United States may have against said Winnebago Indians, and any payment, including gratuities, which the United States may have made to said Indians prior to the date of adjudication, shall not operate as an estoppel but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, the damages therefor shall be confined to the value of the money or other property at the time of such appropriation or the disposal thereof; and with reference to all claims which may be the subject matter of the suit herein authorized, the decree of the courts shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Winnebago Indians in and to such money or other property.

SEC. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend in the interest of the United States in such case.

SEC. 7. Upon final determination of such suit the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in any event not more than \$25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribe or bands of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 8. The amount of any judgment shall be placed in the Treasury of the United States to the credit of the said Indians and shall draw interest at the rate of 4 per cent per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians. The costs incurred in any suit hereunder shall be fixed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual cost necessary to be incurred by the Winnebago Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Winnebago Tribe in the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EASEMENTS ON NEZ PERCE INDIAN RESERVATION, IDAHO

The bill (H. R. 11983) to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to issue perpetual easement to the department of fish and game, State of Idaho, to the following-described lands, all situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho:

Commencing at a point on the east and west center line of section 14, township 35 north, range 4 west, Boise meridian, 885 feet west of the east quarter corner of said section 14, which point of beginning

is also on the easterly right-of-way line of the Camas Prairie Railroad; thence north 3° 10' west along said right-of-way line a distance of 1,646 feet; thence east a distance of 1,158.5 feet to a point on the westerly right-of-way line of the county road; thence south 3° 27' west along said county road right-of-way line a distance of 1,648 feet to a point on the east and west center line of section 13, township 35 north, range 4 west, Boise meridian, which point is 83.6 feet east of the west quarter corner of said section 13; thence north 89° 58' west along the east and west center lines of said sections 13 and 14, a distance of 968.6 feet to the point of beginning. Lying partly in the northwest quarter section 13 and partly in the northeast quarter section 14. All in township 35 north, range 4 west, Boise meridian, containing 40.22 acres, more or less.

Said lands to be used by the department of fish and game, State of Idaho, for the propagation of fish and game: *Provided*, That should the land herein granted cease to be used by the department of fish and game, State of Idaho, for the propagation of fish and game, the easement shall cease, the grantees be permitted to remove structures and equipment that they may have added, and the land described revert to the grantors herein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RUSSELL WHITE BEAR

The bill (H. R. 13606) for the relief of Russell White Bear was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Russell White Bear, Crow allottee No. 822, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L., p. 751), and designated as homestead.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES HUNTS ALONG

The bill (H. R. 12312) for the relief of James Hunts Along was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to place to the credit of James Hunts Along the sum of \$2,000, out of any money in the Treasury not otherwise appropriated, to be expended for his use and benefit under the supervision of the Secretary of the Interior to cover in full reimbursement and compensation for injuries incurred and resulting from his being attacked and severely beaten by Indians while engaged in the performance of his official duties as Indian policeman on the Fort Berthold Indian Reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THE PULLMAN SURCHARGE

Mr. ROBINSON of Arkansas. Mr. President, some time ago when Calendar No. 1287 amending section 1 of the interstate commerce act, being a bill to prevent the collection of the Pullman surcharge, was called the Senator from Utah [Mr. Smoot], whom I do not now see in the Chamber, stated that he desired that the measure go over for the present. I did not understand whether his request was that the bill should go over for the day or merely for a few moments.

Mr. KING. Mr. President, I understood that the bill was to go over for the day. I know that some representations have been made from the West, and I would feel constrained to object if my colleague did not, in view of the information which I have received. So I ask that the bill go over.

Mr. ROBINSON of Arkansas. The senior Senator from Utah is not present, and I shall not insist on taking it up.

The PRESIDENT pro tempore. The bill will be passed over.

#### NOMINATION OF JOHN W. POLE

Mr. GLASS. Mr. President, I note from the Record of Saturday that the nomination of John W. Pole to be Comptroller of the Currency was confirmed. I wish to call attention to the fact that the reference of this nomination was totally wrong. It should have been referred to the Banking and Currency Committee, and I give notice, as in open executive session, of my intention to move a reconsideration of the vote whereby the nomination was confirmed so that a proper reference of the nomination may be made. I do that in the absence of the chairman of the Committee on Banking and Currency, who felt very much irritated at a similar occurrence during the last session of Congress, and I am sure if he were here he would want this nomination to take the course required by the rules of the Senate.

The PRESIDENT pro tempore. The Chair understands the Senator from Virginia to ask unanimous consent that the Senate



resolve itself into open executive session for the purpose of presenting the notice which he has given?

Mr. GLASS. Yes; if that is the proper proceeding.

The PRESIDENT pro tempore. Without objection, that course will be followed.

#### BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment proposed by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment of the Senator from California [Mr. JOHNSON].

Mr. KING. Mr. President, I offer a number of amendments to the pending bill, which I ask to have printed and lie upon the table.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, in the absence of my colleague [Mr. ASHURST], who gave notice that he would desire to conclude his remarks to-day, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Simmons
Barkley	George	Metcalf	Smith
Bayard	Glass	Moses	Smoot
Bingham	Glenn	Neely	Steiwer
Black	Goff	Norris	Stephens
Blaine	Gould	Nye	Swanson
Blease	Greene	Oddie	Thomas, Idaho
Borah	Hale	Overman	Thomas, Okla.
Bratton	Harris	Phipps	Trammell
Brookhart	Harrison	Pine	Tydings
Broussard	Hayden	Pittman	Tyson
Bruce	Hellin	Ransdell	Vandenberg
Capper	Johnson	Reed, Pa.	Wagner
Caraway	Jones	Robinson, Ark.	Walsh, Mass.
Couzens	Kendrick	Robinson, Ind.	Walsh, Mont.
Curtis	Keyes	Sackett	Warren
Deneen	King	Schall	Waterman
Dill	Locher	Sheppard	Watson
Fess	McKellar	Shipstead	
Fletcher	McMaster	Shortridge	

Mr. WAGNER. I desire to announce the necessary absence of my colleague [Mr. COPELAND] on account of illness in his family.

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment of the Senator from California [Mr. JOHNSON].

#### TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS

Mr. ASHURST. Mr. President, discussing the title of the States in and to the beds, banks, and waters of navigable streams, the several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate commerce clause of the Constitution (Art. I, sec. 8, par. 3) and to the rights of the Federal Government as owner of the riparian lands (Art. IV, sec. 3, par. 2), which rights will hereafter be discussed.

In the case of *Martin v. Waddell* (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The same doctrine was laid down by the court in the case of *Pollard v. Hagan* (3 How. 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively; second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; third, the right of the United States to the public land and the power of Congress to make all needful rules and

regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

In the case of *Barney v. Keokuk* (94 U. S. 324), Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of *Shively v. Bowlby* (152 U. S. 1).

In *United States v. Holt State Bank* (70 Law Ed. 213) the Supreme Court stated:

The United States early adopted and constantly has adhered to the policy of regarding lands under navigable waters in acquired territory, while under its sole dominion, as held for the ultimate benefit of future States, and so has refrained from making any disposal thereof, save in exceptional instances when impelled to particular disposals by some international duty or public exigency. It follows from this that disposals by the United States during the Territorial period are not lightly to be inferred and should not be regarded as intended, unless the intention was definitely declared or otherwise made very plain.

There is nothing in the enabling act, which granted statehood to Arizona, or in any legislation which was passed during the time that Arizona was a Territory which disposed of any of the rights of the State of Arizona in the bed and banks and the use of the waters of the Colorado River at Boulder or Black Canyons.

CONGRESS GAVE ITS CONSENT TO THE STATES IN THE COLORADO RIVER BASIN TO DEplete THE FLOW OF THE RIVER AND RENDER IT NONNAVIGABLE IN THE UNITED STATES

The Congress of the United States first recognized the necessity for local customs to govern the use and appropriation of water in the semiarid Western States when it adopted section 9 of the act of July 26, 1866 (14 Stat. 266; sec. 2339, Rev. Stats.). This section reads:

That whenever, by priority of possession, right to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed.

Congress later adopted another provision (16 Stat. 217; sec. 234, Rev. Stats.), which reads as follows:

All patents granted or preemptions or homesteads allowed shall be subject to any vested and accrued water rights or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

Under the terms of the United States reclamation law, the United States is required to obtain the consent of the States to use the lands and waters of the States before it may proceed with the erection of any dam for the purposes of utilizing the water for domestic, irrigation, or power purposes.

Section 8 of the United States reclamation act, Thirty-second Statutes, page 388 (1902), reads:

That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate streams of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The Federal water power act approved June 10, 1920, contains the following provisions:

9. (b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located, with respect to beds and banks, and to appropriate diversion and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to affect the purposes of a license under this act.

SEC. 27. That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the

respective States relating to control, appropriation, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

It is contended, however, that Congress, when it passed these laws, did not surrender the authority to regulate commerce and navigation, and it is argued that in the case of the United States *v.* Rio Grande Irrigation Co. (174 U. S. 690), the Supreme Court, in passing upon the certain statutes relating to the use of water for mining and irrigation purposes, makes the declaration:

To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams which unite into a navigable water course, and so destroy the navigability of that water course in derogation of the interests of all the people of the United States, is a construction which can not be tolerated. It ignores the spirit of the legislation and carries the statute to the verge of the letter and far beyond what under the circumstances of the case must be held to have been the intent of Congress (pp. 706-707).

Arizona contends that the decision is not applicable to the Colorado River because the use of the water for irrigation and navigation is incompatible on that river. The State contends that the destruction of navigation is exactly what was authorized and what has occurred in the Colorado River, and is what is proposed to be ratified by the Swing-Johnson bill.

The States have authorized the use of and are now using the entire normal low flow of the river for irrigation, mining, and domestic uses. It has been established that, four times during recent years, the entire low flow of the Colorado River has for several consecutive weeks been diverted for irrigation and domestic use and that the bed of the river has been dry.

The Government of the United States has constructed dams on the main river and the tributaries for the diversion of water for irrigation purposes, which have contributed to the destruction of navigation on the Colorado River.

The States of Utah and Colorado have authorized, and the Government has consented to, the present annual diversion of 234,000 acre-feet of water in those States, from the Colorado River drainage basin, into other drainage basins. (See p. 173, S. Doc. No. 142; 67th Cong., 2d sess.)

The Government has constructed on the Colorado River and its tributaries the Strawberry and Gunnison tunnels, the Green River, and the Laguna Dams, and it is also diverting water from the river and its tributaries for the irrigation of Indian lands, and for other uses.

Numerous State and private irrigation projects have been constructed upon, and diversions have also been made for domestic, mining, and other uses from the Colorado River and its tributaries.

During the year 1902 the Secretary of State of the United States, in response to a communication from the Department of Justice, requested the International Water Boundary Commission, representing the United States, to investigate the subject to the alleged diversion of the waters of the Colorado River for irrigation purposes. The basic reason for the investigation was that protests had been filed which involved questions of treaties between the United States of America and the United States of Mexico respecting the navigation of the Colorado River.

The investigation made at that time established the fact that the river had been navigated but that if the proposed diversion of water was made for the use of irrigation in the Imperial Valley the river would be rendered nonnavigable below the point of diversion, which was located within the United States, between the States of Arizona and California.

Following the investigation the irrigators in California were permitted to construct a system to divert water from the Colorado River and to send the same into Mexico and into the Imperial Valley in California.

On October 23, 1918, the Secretary of the Interior of the United States entered into a contract with the Imperial Valley irrigation district to permit that district to use the Laguna Dam, which was constructed by the United States Bureau of Reclamation in connection with and for the benefit of the Yuma project, Arizona-California, to divert the waters of the Colorado River for use in the Imperial and Coachella Valleys in California. These valleys are outside of the drainage area of the Colorado River Basin, and such diversion would cause the Colorado River below Laguna Dam to be practically dry.

The Swing-Johnson bill ratifies all of these diversions of water and ratifies the Colorado River compact, which declares that—

Inasmuch as the Colorado River has ceased to be navigable for commerce, and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes

of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

The Colorado River compact authorizes the States of Colorado, Wyoming, Utah, and New Mexico to appropriate and to have the annual consumptive use of 7,500,000 acre-feet of water from the Colorado River system in perpetuity.

Article III (d) of the compact provides that the annual flow of the stream in the upper basin may be depleted entirely, provided that from the return flow:

3 (d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

The Colorado River compact authorizes the lower basin States, viz: Arizona, California, and Nevada, to appropriate and consume 8,500,000 acre-feet of water. The Swing-Johnson bill will enable California to take and consume at least 4,600,000 acre-feet of the waters apportioned by the compact to the lower basin and one-half of any water available for use which is not apportioned by the Colorado River compact.

It is therefore established that if navigation has not already been destroyed, the Colorado River compact, if applied, would destroy it, and the works authorized by the Swing-Johnson bill, if operated in conformity with all of the provisions of the bill, would render the stream nonnavigable.

#### NO RIPARIAN RIGHTS

A contention has been made that the Federal Government, in its capacity as the owner of public lands bordering on the Colorado River, has as the riparian owner the right to build a dam at Boulder or Black Canyon, use the water to develop power, and to control the appropriation of the waters of the river for the benefit of the public lands over the protest of Arizona.

The Supreme Court of the United States has stated:

The technical ownership of the beds of navigable rivers in the United States is either in the States in which the rivers are situated, or in the riparian owners, depending upon the local law. (Chandler-Dunbar *v.* United States, 229 U. S. 53.)

The Supreme Court of the United States in the case of *Harden v. Jordan* (140 U. S. 371) has determined that—

the limits and extent of the riparian ownership is governed by the law of the State in which the land is situated.

Justice Bradley, who delivered an opinion in this case (*supra*, 384) after discussing the question and citing numerous authorities, concludes as follows:

We do not think it necessary to discuss this point further. In our judgment the grants of the Government for lands bounded on streams and other waters, without any reservation or restriction of terms, are to be construed as to their effect according to the law of the State in which the lands lie.

The case of *Shively v. Bowlby* (152 U. S. 1) approves of and adheres to this rule, and the following cases indorse and adhere to the rule: *Barney v. Keokuk* (94 U. S. 324); *St. Louis v. Myers* (113 U. S. 566); *Packer v. Bird* (137 U. S. 661); *St. Louis v. Rutz* (138 U. S. 226); *Mitchell v. Smale* (140 U. S. 406); *Grand Rapids v. Butler* (159 U. S. 87); *Water Power Co. v. Water Commissioners* (168 U. S. 349); *Kean v. Calumet Canal Co.* (190 U. S. 452); *United States v. Chandler-Dunbar Co.* (209 U. S. 447).

A declaration contained in the bill of rights adopted by the Territory of Arizona in 1864 recognized that local customs and laws, in addition to the decisions of the courts in the semiarid States of the West, should govern the appropriation and use of water. The section of the Territorial act follows:

All streams, lakes, and ponds of water capable of being used for the purpose of navigation or irrigation are hereby declared to be public property and no individual or corporation shall have the right to appropriate them exclusively to their own private use, except under such equitable regulations and restrictions as the legislature shall provide for that purpose.

The State of Arizona has never recognized the common-law rule of riparian rights. The constitution of the State of Arizona contains the following provision:

Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. 17, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 2.)



The United States Supreme Court and the Supreme Court of Arizona, respectively, have sustained this principle in *Boquillas Cattle Co. v. Curtis* (213 U. S. 339) and in *Clough v. Wing* (2 Ariz. 371).

In *Boquillas Land & Cattle Co. v. Curtis* (213 U. S. 339) wherein the controversy was a question as to whether the owner of a tract of land in Arizona acquired by a Mexican land grant which had been confirmed by treaty was entitled to the use of water as a riparian right. Mr. Justice Holmes, for the court, decided against the riparian rights and said:

It is not denied that what is called the common-law doctrine of riparian rights, does not obtain in Arizona at the present date. (Rev. Stat., Ariz., 1887, sec. 3198.) But the plaintiff contends that it had acquired such rights before that statutory declaration, and that it can not be deprived of them now. \* \* \* They (the provisions relating to priority) simply follow what has been understood to be the law for many years (*Clough v. Wing*, 2 Ariz. 371). The right to use water is not confined to riparian proprietors \* \* \*. Such a limitation would substitute accident for the rule based upon economic considerations, and an effort, adequate or not, to get the greatest use from all available land.

No State in the Colorado River Basin, with the exception of California, either in its capacity as a Territory or as a State, has ever recognized the common-law rule of riparian rights. California has never recognized the riparian doctrine as it relates to that portion of the State bordering upon the Colorado River. The provisions of the constitutions of the several States relating to the appropriation and use of water, together with court decisions sustaining them are as follows:

Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. XVII, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. XVII, sec. 2.) (*Boquillas Cattle Co. v. Curtis*, 213 U. S. 339; *Clough v. Wing*, 2 Ariz. 371.)

New Mexico: The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public and subject to appropriation for beneficial use. In accordance with the laws of the State, priority of appropriation shall give the better right. (Sec. 2, Art. XVI.) (*Trombley v. Luteran*, 6 N. Mex. 15.)

Wyoming: Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channel, its control must be in the State which, in providing for its use, shall equally guard all the various interests involved. (Art. I, sec. 31.)

The waters of all natural streams, springs, lakes, and other collections of still waters within the boundaries of the State are hereby declared to be the property of the State. (Art. VIII, sec. 1.) (S. 728 and S. 1274, p. 482.) (*Farm Investment Co. v. Carpenter*, 9 Wyo. 110.)

Colorado: The waters of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided. (Art. 14, sec. 5.) (S. 728, S. 1274, p. 484.) (*Yerker v. Nichols*, 1 Colo. 551; *Coffin v. Hand Ditch Co.*, 6 Colo. 443.)

California: The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be a public use and subject to the regulations and control of the State in the manner to be prescribed by law. (Art. 14, sec. 1.) (S. 728 and S. 1274, p. 476.)

Utah: All existing rights to the use of any of the waters of this State for any useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 1.) (S. 728 and S. 1274, p. 481.) (*State v. Xallo* (4575), Nov. 25, 1927; *Stowell v. Johnson*, 7 Utah, 215; 26 Pac. 290.)

The constitution of the State of Nevada is silent upon the use of public water, but the State Water Code of Nevada contains the following provision:

Nevada: All natural watercourses and natural lakes and the waters thereof which are not held in private ownership belong to the State and are subject to appropriation for beneficial uses. (*Reno Smelting, Milling & Reduction Works v. Stevenson*, 20 Nev. 269; 21 Pac. 317, 4 L. R. A. 60, 19 Com. St. Rep. 364.) (*Walsh v. Massey*, 26 Nev. 327.)

In the case of *Walsh v. Massey* (26 Nev. 327) Chief Justice Massey said:

And it has been held by this court that the doctrine of riparian rights is so unsuited to the conditions existing in this State of Nevada and is so repugnant in its operation to the doctrine of appropriation that it is not a part of the law and does not prevail here.

As the ownership of the beds of fresh-water streams, navigable in fact, is one of the riparian rights, it follows that this right was rejected and the ownership of the bed of the Colorado

River at Boulder Canyon and Black Canyon is vested in the States of Arizona and Nevada. It must necessarily follow that the United States has no right to the use of the bed and banks of the Colorado River at Boulder or Black Canyon as a riparian owner of public lands.

The State of Arizona has never conveyed the title to the bed and banks of the Colorado River at Boulder or Black Canyon and has never granted a permit for the use of the water at either site to anyone.

If the Federal Government did own riparian rights, the Supreme Court, in *Barney v. Keokuk* (944 U. S. 324) has held that—

with respect to such rights, we have held that the law of the State so declared by the Supreme Court, as a rule, of property.

In *Kansas v. Colorado* (206 U. S. 92) the Supreme Court intimated that the National Government would not be able to interfere with the flowing waters on a navigable stream for purposes of irrigation because of the ownership of lands within the limits of the State, and the court said:

We do not mean that its (the National Government's) legislation can override State laws in respect to the general subject of reclamation.

#### PAYMENTS TO STATES IN LIEU OF TAXES

Congress has provided for payments to the States in lieu of taxes in other instances, as, for example, in the agricultural appropriation act of May 23, 1908 (35 Stat. 260), which directs the Secretary of Agriculture to turn over one-quarter of the total receipts from the national forests to the States in which the same are located.

That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

In addition the act of March 4, 1913 (37 Stat. 843), directs that a tenth of these same receipts shall be devoted to the construction of roads and trails within the forest reserves of the States where collected, so that the States actually benefit to the extent of 35 per cent of the gross Federal income from the national forests.

That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The act to promote the mining for coal, phosphate, oil, oil shale, gas, and sodium on the public domain (41 Stat. 450) specifically directs that 37½ per cent of all royalties collected shall be paid to the State within which the leased lands are located. Section 35 of that act reads:

Sec. 35. That 10 per cent of all moneys received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902, and for past production 20 per cent and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

The same principle is recognized in the Federal water power act of June 10, 1920 (41 Stat. 1072), from which this provision is quoted:

Sec. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other

charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

To sustain the right of the Federal Government to dispose of water and surplus power incidentally created in the course of improving the navigability of a stream, reliance is placed upon three decisions of the Supreme Court; i. e., in the cases of *Kaukana Water Power Co. v. Green Bay & Mississippi Canal Co.* (142 U. S. 254); *Green Bay, etc., Co. v. Patten Co.* (172 U. S. 58); and *Chandler v. Dunbar* (229 U. S. 53).

The case first cited is not in point. The right of the Federal Government to sell or dispose of incidentally created surplus electrical energy or water power was not involved.

Briefly, the facts in this case were: Congress granted public lands to the future State of Wisconsin for the improvement of the navigation of the Fox and Wisconsin Rivers. The State accepted the grant and undertook the work of improving the Fox River, reserving to itself all water powers created and appurtenant to such improvement, "subject to future action of the legislature." Unable to complete the work, the State incorporated and transferred to an improvement company the incomplete work, vesting in the company complete title to all the improvements, water powers to be created, rights, powers, and franchises. The improvement company mortgaged the property, was unable to meet its indebtedness, the mortgage was foreclosed, and complete title passed under foreclosure sale to the *Green Bay & Mississippi Canal Co.*, the appellee.

This company in turn became seized in fee of all the improvements and all the appurtenant rights, powers, and franchises. Finding the operation of the dam and canal unprofitable, this company in turn sold the improvements to the United States Government, reserving, however, to itself the water power created by the dam and the use of surplus waters not required for purposes of navigation. Another company, claiming the right as a riparian owner, thereafter, attempted to draw water from the pond formed by the dam, and thus deprive the *Green Bay Co.* of its use, control, and dominion over it. The Supreme Court of Wisconsin directed an injunction against the intruding company, and the case went to the Supreme Court of the United States on the ground that it involved the validity of a State statute, because repugnant to the Constitution of the United States. Mr. Justice Brown, for the court, among other things, said (p. 272):

With respect to such rights (riparian rights) we have held that the law of the State, as declared by its supreme court, is controlling as a rule of property. (*Barney v. Keokuk*, 94 U. S. 324, etc.)

Upon the question as to the validity of the State statute he said (p. 273):

But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such an improvement.

There is indeed no sound reason for denying such a right to the State. Such a right is entirely consistent with the doctrine of the State's dominion and sovereignty over the flowing waters of the navigable streams within its borders. But there is no word in the entire opinion in regard to the power of the Federal Government to assert and reserve such a right, and certainly there can be no parity in application of the construction of a rule dealing with the reserved rights of the State to the limited constitutional grants to the Federal Government. What there is sound reason for conceding to the State, there is, under the circumstances, equally as sound reason for denying to the Federal Government. The first proposition from the report quoted *supra* gains no support from the case cited.

The other case, that of *Green Bay, etc., Canal Co. v. Patten Paper Co.* (172 U. S. 58), is another suit against the same company as above. In this suit the right of the United States to control and dispose of the surplus waters created by the improvement to navigation heretofore described was brought directly into question. As said by Mr. Justice Shiras for the court (pp. 68-69):

Whether the water power, incidentally created by the erection and maintenance of the dam and canal for the purposes of navigation in Fox River, is subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies, is the decisive question in this case.

Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

The court then reviews the history of the whole enterprise, namely, the granting of land by act of Congress to the future State of Wisconsin for the express purpose of the improvement of the navigation of the river; the acceptance of the grant by the legislature of the State and the accompanying express reservation of title in the State to the water power incidentally created "subject to the future action of the legislature"; the act authorizing the relinquishment of such water powers to the persons undertaking the work of improvement; the act creating a corporation authorized to undertake the work and take all the powers, rights, and franchises possessed by the State; the failure of the company so created, foreclosure of the mortgage, and acquirement of all its property, rights, and powers at the sale by purchasers, who were incorporated under another act of the legislature, specifically investing them with such rights, powers, franchises, and so forth; the sale by this last company (appellant in this case) of all the property to the United States Government, under an act of the Legislature of Wisconsin authorizing the sale and an act of Congress providing for the purchase, and the reservation by the company in its conveyance of title to the personal property, water powers, and appurtenances. With reference to this reservation by the company the court said (p. 80):

The substantial meaning of the transaction was that the United States granted to the canal company the right to continue in the possession and enjoyment of the water powers and the lots appurtenant thereto, subject to the rights and control of the United States as owning and operating the public works, and that the United States were credited with the appraised value of the water powers and appurtenances and the articles of personal property. The method by which this arrangement was perfected, namely, by a reservation in the deed, was an apt one, and quite as efficacious as if the entire property had been conveyed to the United States by one deed and the reserved properties had been reconveyed to the canal company by another.

So far, therefore, as the water powers and appurtenant lots are regarded as property, it is plain that the title of the canal company thereto can not be controverted; and we think it is equally plain that the mode and extent of the use and enjoyment of such property by the canal company fall within the sole control of the United States. At what points in the dam and canal the water for power may be withdrawn, and the quantity which can be treated as surplus with due regard to navigation, must be determined by the authority which owns and controls that navigation. In such matters there can be no divided empire.

Evidently questioning the inherent right of the National Government under the Constitution to dispose of this surplus water power by virtue of its ownership of the dam, the court adopted the fiction of transfer and retransfer, so that the chain of title might be complete and a foundation laid for the Government's claim of authority to dispose of the surplus water. An abstract of the title would begin then with the acknowledged ownership by the State of the entire property, including the right to control and dispose of the surplus water power, and continuing, through the transfer by the State of its title and all appurtenant rights and powers to the first company; the foreclosure sale under mortgage and purchase by the second company, vesting it in turn with the complete title and all appurtenant rights and powers; the transfer by the second company to the national company of its title and all appurtenant rights and powers, all these transfers being duly authorized by acts of the Wisconsin Legislature; and finally the retransfer of the right to the use and enjoyment of such water powers by the Government to the second company, but a retention of all other property conveyed, including whatever power of control may have vested in the company by the State. As Mr. Justice Shiras says (p. 76):

We have here the case of a water power incidental to the construction and maintenance of a public work and, from the nature of the



case, subject to the control of the public authorities, in this instance the United States.

And, at page 79:

The legal effect and import of the sale and conveyance by the canal company were to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the Fox River as a navigable river.

In other words, the United States bought the right to dispose of this surplus water power. It never possessed it under the commerce clause of the Constitution giving it control of the navigation of the river. It was a proprietary right, coming down by regular conveyance from the State of Wisconsin. The National Government always had the right under the Constitution to prevent the State of Wisconsin, or its successors in title to this dam and appurtenances, from destroying or impairing the navigability of the river by an improvident diversion of the flowing water, but it never had the right, until it acquired it by purchase, of disposing of the surplus water power so created, and the court does not say it did. The State had such a right, and the court in the first case, *supra*, specifically recognized not only its right but its power to dispose of it.

So far as the authority of the National Government in the premises is concerned, what this case really does decide, and that is not now an open question, and was not so then, is, that the National Government has plenary power to maintain the navigability of streams uninterrupted, and further, that in the exercise of that power, it can determine at what points in its dams erected in aid of navigation water may be withdrawn, the quantity that may be withdrawn so far as it affects the question of navigability, and all other matters affecting that question solely. As is said by the court (p. 80): "In such matters there can be no divided empire." The power to sell surplus water incidentally created by improvements in aid of navigation is not given the National Government, in terms at least, by the Constitution.

The sole and exclusive right of the States to control the disposition of the flowing waters within their boundaries, limited only by nonimpairment of the riparian rights (under the State system) of the Government as an actual owner of the lands, and noninterference with the maintenance and improvement of the navigation of streams, has been too repeatedly and too strongly confirmed by the Supreme Court to be now questioned, and this reserved and valuable right would be seriously impaired—sometimes, perhaps, entirely destroyed—if the National Government, under the guise of aiding navigation, could exercise a precisely similar but paramount right at will. Here, too, there should be "no divided empire." The National Government has the undoubted power to see to it that the navigability of streams is maintained when they are in fact navigable, and that right is granted to it by the Constitution of the United States. The State has the undoubted right to control the disposition of the waters within its limits, subject only to the limitations stated, and that right has been repeatedly confirmed by the Supreme Court. Neither should seek to invade the province of the other. In *Kansas v. Colorado* (206 U. S. 88) Mr. Justice Brewer said:

Yet while so construed—that is, broadly—it still is true that no independent and unmentioned power passes to the National Government or can rightfully be exercised by the Congress.

The power to seize upon and dispose of the flowing waters of a State would be both independent and unmentioned. Assertion of the existence of such power under the second paragraph of section 3 of Article IV of the Constitution, providing "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," and so forth, was made by counsel for the United States Government intervening, apparently, upon the theory that the National Government, being a large owner of arid lands in the Western States, might enter into a general scheme of reclamation, and, consequently, had an interest in the controversy between the States as to the disposal of the waters of the Arkansas River, the boundary between them. The contention of the Government met with no favor, the court stating emphatically that no such power had been granted and none could be exercised. Conceding, however, that so far as its own lands were concerned, the National Government had power to make all needful rules and regulations, the court materially qualified this decision by adding:

We do not mean that its legislation can override State laws in respect to the general subject of reclamation. (Ib. p. 92.)

#### THE CHANDLER-DUNBAR CASE

In the *United States v. Chandler-Dunbar Co.* (229 U. S. 53), the act of Congress, March 3, 1909, declared that a public neces-

sity existed for the absolute control of the waters of the St. Marys River for purposes of navigation.

The ownership in fee simple absolute, was acquired by the United States of all lands and property of every kind and description throughout the entire length of the St. Marys River, within the State of Michigan, a riparian State, necessary for the purposes of the navigation of the waters of the river and the United States Government compensated the owners for this property.

The State of Michigan, when it was admitted into the Union, acquired title to the bed of the St. Marys River. Under the law of that State conveyance of a tract of land upon a navigable river carried the title to the middle thread. The technical title became vested in the Chandler-Dunbar Co. and included the bed of the river opposite its upland on the bank to the middle thread of the stream, which was the boundary line at that point between the United States and the Dominion of Canada. The Federal Government when it acquired, by purchase, the property of the Chandler-Dunbar Co., became the proprietor of and acquired all of the rights of that company in the property in question.

The court in the Chandler-Dunbar case stated:

The main purpose of the act of 1909 was to clear the way for generally widening and enlarging facilities for the ever-growing commerce of the Great Lakes. The act, therefore, looks to the construction of one or more canals and locks paralleling those in use and directs a survey "to ascertain and determine the proper plan . . . for constructing in the rapids . . . a filling basin or forebay from which the ship locks may be filled" (p. 67).

That Congress did not act arbitrarily in determining that "for the purposes of navigation of said waters and the waters connected therewith," the whole flow of the river should be devoted exclusively to that end, is most evident when we consider the character of this stream and its relation to the whole problem of lake navigation (p. 66).

The court then analyzed the character of the stream, the fall of the river, the turbulent nature of the water, the influence of the outflow upon Lake Superior, the necessity of maintaining water levels, and directed attention to the fact—

that millions of public money have already been expended in the construction of canals and locks by this Government upon the American side and by the Canadian Government upon its own side of the rapids, as a means by which water craft may pass around the falls and the rapids in the river. The commerce, using these facilities, has increased by leaps and bounds. The first canal had hardly been finished before it became inadequate. (Ibid. p. 67.)

In the Chandler-Dunbar case the court was careful to determine the findings of fact and law regarding the development of the river which was undertaken by the Federal Government. The court, with great pains, set out in detail the importance of the improvement of the navigation facilities of the river as an aid to the growing and important commerce thereon.

The court also at great length traced the title and ownership of the bed of the river and of the adjacent lands, and it determined that when the United States became the riparian owner, in a riparian-law State, of the shore and appurtenant submerged land, by right of purchase, the United States owned in fee the property right in the river as a rule of law of the State of Michigan.

The United States constructed works in connection with navigation on the St. Marys River which made available surplus water which could be used for the development of hydroelectric power, which the Government leased to private consumers.

Mr. Justice Lurton, speaking for the court (Ibid. p. 73) on the question of the rights of the Government to deal with property of the character here under consideration, said:

If the primary purpose is legitimate, we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments. In *Kaukauna Co. v. Green Bay, etc., Canal* (142 U. S. 254, 273), respecting a Wisconsin act to which this objection was made, the court said:

"But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise, not only in connection with the public demand for the purposes of navigation but between the riparian owners themselves as to the proper proportion each was

entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties and thus reimburse itself for the expenses of the improvement."

The court did not find that the Government had authority to engage in the production and sale of hydroelectric energy for commercial purposes. It acquired the right to dispose of this surplus power as the proprietor of the riparian lands. It will be observed that the court specifically stated that the rights of the Government must rest upon the fact that "the primary purpose was legitimate," namely, navigation.

The legal effect of the sale and conveyance by the riparian owners was to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the St. Marys River as a navigable river.

In other words, in addition to the unquestioned right of the Federal Government to improve the river to aid the rapidly increasing commerce thereon, the United States bought the right to dispose of the surplus water power. It never possessed it under the commerce clause of the Constitution, giving it control of the navigation of the river. It was a proprietary right, coming down by regular conveyance from the State of Michigan. The court did not recognize any right in the Federal Government to engage in the development and sale of hydroelectric power for commercial purposes, even in its capacity as a proprietor. It simply recognized the right of the Federal Government as a proprietor to dispose of certain surplus power which is developed as incidental to the primary development—the improvement of the river for navigation as an incident to facilitating commerce thereon.

#### RIGHTS OF YUMA PROJECT

Any analysis of this legislation would be incomplete that failed to recognize the avidity with which its authors have availed themselves of every opportunity for advantage. No point has been overlooked where advantage might be reaped, at whatsoever cost to others, for the interests it is designed to enrich.

A striking illustration of this may be found in section 10, supplemented, extended, and enlarged by the provisions of section 7.

Section 10 empowers the Secretary of the Interior, with the consent of Imperial irrigation district, to modify the existing contract, dated October 23, 1918, authorizing the use of Laguna Dam for the diversion of water for the irrigation of Imperial Valley. That may appear reasonable enough to the casual observer, since the Secretary of the Interior and Imperial irrigation district are the parties of record to the contract in question. It should be understood, however, that the contract, in all of its details, relates to property rights and interests vital to the welfare and existence of Yuma project.

The Secretary of the Interior is a party to the contract merely in his capacity as an officer of the United States, in which the title to the Yuma project temporarily vests. The contract was the result of long negotiations, in which the negotiating parties were representatives of Imperial irrigation district on one hand and Yuma project on the other.

The projection to Yuma project, as embodied in the completed agreement, was the result of hard labor and determined effort over the attempts on the part of the California representatives seeking, as they now seek, every advantage for themselves. To disturb the status quo of this contract and agreement without the consent of the organization conducting the affairs of the landowners and water users of Yuma project, which originally confirmed its provisions, would constitute a violent outrage of the rights of those water users.

#### YUMA PROJECT INTERESTS NOT RECOGNIZED

It may be asserted that the Secretary of the Interior will naturally consult the interested project members, or their representatives, before modifying the contract, as did a previous Secretary of the Interior when the instrument was originally formulated. That does not necessarily follow. Secretaries come and Secretaries go. Secretaries have been known to be partisan. They are human, and humanity is beset with frailty. The water users of Yuma project might indeed be consulted but their protests might go unheeded. In any event, it is proposed to empower the Secretary, with the consent only of one party, viz, The Imperial irrigation district, to modify this contract in which Yuma project's very existence is bound up, and the peril that lurks in the provision is clearly shown by the alacrity with which a proposal made in committee for an amendment that would have required the consent of the Yuma County Water

Users' Association was rejected by champions of this bill. The suggestion that Yuma project has any interest in the contract was treated with contempt.

If there were any doubt as to the seriousness of the purpose intended in the authority extended by section 10, it would be removed by turning back to section 7. Taking time and authorization by the forelock, this section, in vital particulars, itself modifies the contract in question.

By the agreement entered into on October 23, 1918 (appendix to House hearings on All-American Canal in Imperial County, Calif., 1922, p. 245), it is declared that Laguna Dam was constructed "in connection with the Yuma project, Arizona-California"; that Imperial irrigation district desires to secure "the right to divert water at said dam"; that the said district is authorized to contract with the United States "for a supply of water"; that the district shall proceed to secure cost data "for the diversion of water" at Laguna Dam and thence "through the existing main canal of the Yuma project" and for a main canal to "connect with said main canal of the United States at a point described as Siphon Drop"; that "for the right to use the Laguna Dam, the main canal, and appurtenant structures, and divert water," the district agrees to pay the sum of \$1,600,000; that "the United States shall have and retain perpetually the title to and the complete control, operation, and management of said Laguna Dam, auxiliary works, and enlarged main canal from the dam to and including the Siphon Drop \* \* \*, including the diversion works at Siphon Drop for the diversion and delivery of water to the Yuma project and the district"; that "the United States reserves the right to develop power \* \* \* down to and including Siphon Drop; that all other power possibilities \* \* \* down to \* \* \* Pilot Knob shall be developed by the United States \* \* \* for the joint benefit of the Yuma project and the Imperial irrigation district," and the cost of joint canal and headworks alterations and of power plants and accessories is definitely apportioned to the United States "for the Yuma project" and to the Imperial irrigation district; that "the preference right to purchase power developed" (between Siphon Drop and Pilot Knob) "shall be given over other users of power to the requirements of the Yuma project for power to be used in pumping irrigation water."

Other provisions highly important to Yuma project, relating both to power and to water, are embodied in the contract, which the Secretary of the Interior, with the consent of Imperial irrigation district, is to be given authority to modify. Imperial irrigation district, by the permission heretofore given to it to use the Laguna Dam, thereby gained no proprietary interest in the dam, "auxiliary works and enlarged main canal from the dam to and including the Siphon Drop." The Yuma project, it should be borne in mind, is not solely an Arizona project, but an Arizona-California project. Down to and including Siphon Drop, at which point the proposed main canal of the Imperial irrigation district is to take off from the Yuma project canal, the district, for the considerations named, obtained simply the right to use, but the title to the dam, appurtenant works, and canal to the point described is not affected by any capital investment therein necessary to be made by Imperial irrigation district in order that it may use Laguna Dam and divert water therefrom for the irrigation of Imperial Valley.

#### MUSCLE SHOALS

The construction of the Wilson Dam at Muscle Shoals was authorized by the President of the United States on February 23, 1918, pursuant to the act of Congress of June 3, 1916, chapter 134, section 124, Thirty-ninth Statutes, pages 166 and 215 (see U. S. C., title "War," sec. 79), known as the national defense act. Under the terms of this act the President was empowered to make investigation for the purpose of determining the—

best, cheapest, and most available means for the production of nitrates and other products for munitions of war \* \* \* to designate for the exclusive use of the United States \* \* \* such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and \* \* \* to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment \* \* \* necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Section 124 of the national defense act of June 3, 1916, supra, relates not only to national defense and the production of materials needed in time of war, but provides for the improvement of navigation. Either is, of course, a national purpose. Legislation of this character would be expected to be broad and comprehensive. The act is so.



It gives the President large discretionary powers in the designation of suitable places for the erection of such plants as in his judgment are necessary in the effectuation of the purposes of the act. It gives authority to construct, maintain, and operate dams, locks, improvements to navigation, power houses, and other plants and equipment for the generation of electric or other power, and for the production of nitrates and other products needed for munitions of war. Paragraph 3 of section 124 reads:

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall deem is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The Muscle Shoals legislation is not a case where the Government has entered upon the business of generating power for commercial uses. It is a case where the Government, under its constitutional powers, has entered upon the prosecution of a work of national concern, in a time of war, relating to national defense and the improvement of navigation, in which a surplus product is created in time of peace which can be disposed of to aid agriculture.

Whether the State of Alabama reserved any rights in the surplus water power at Muscle Shoals has not as yet been determined by the Supreme Court. That State, however, contends that it has a right to derive a revenue from power developed at Muscle Shoals which is sold for commercial purposes.

THE TAXATION BY THE STATES OF HYDROELECTRIC POWER PRODUCED AT THE BOULDER DAM

The Federal Government has no authority under the Constitution to generate electric current primarily for commercial uses. It is assumed for the basis of this discussion that, because of the many and complex questions which are involved in Senate bill 728, that the States of Arizona and Nevada would waive the question of the right of the Government to generate and sell power for commercial purposes at Black Canyon or Boulder Dams on the Colorado River, if the interests of those States are recognized and protected in the pending bill.

The States of Arizona and Nevada have a twofold interest at Black and Boulder Canyons. First, they own the bed and banks of the river. Second, they have the sole authority to grant an easement or usufruct, for water-power purposes, to and in the water, which will be stored at that site, for the development of power. These States would have authority to impose a tax upon the usufruct to and in the water.

The United States Supreme Court, in *Van Brecklin v. Tennessee* (117 U. S. 150, 155), stated:

All subjects over which the sovereign power of a State extends are objects of taxation, but those over which it does not extend are upon the soundest principles, exempt from taxation. The sovereignty of a State extends to everything which exists by its authority or is introduced by its own authority or which is introduced by its permission, but it does not extend to those means which are employed by Congress to carry into execution power conferred upon that body by the people of the United States.

The sovereign power of the States extends to the appropriation, the use, and control of the public waters and lands underlying navigable waters and the banks thereof, except as to the paramount right of the Federal Government to control the stream for navigation as an incident to facilitating commerce on the stream, and there is no evidence that anyone has attempted to justify the development of the stream for navigation.

The taxing power of a State is one of its attributes of sovereignty, and where there has been no compact with the Federal Government or cession of jurisdiction for the purpose specified in the Constitution this power reaches all the property and business within the State which are not properly denominated the means of the General Government. (*Van Brecklin v. Tennessee*, 117 U. S. 176, quoting *Nathan v. Louisiana*, 8 How. 73, 82; see also *Society for Savings v. Coite*, 6 Wall. 504, 605; *State Tonnage Tax cases*, 12 Wall. 204, 224; *Ward v. Maryland*, 12 Wall. 418, 427; *Transportation Company v. Wheeling*, 99 U. S. 273, 279; see also *South Car. v. United States*, 199 U. S. 437, in particular, the minority opinion; *Husler v. Thomas Colliery Co.*, 260 U. S. 245; *Oline Iron Works v. Lord*, 262 U. S. 172; *Lake Superior Mine Co. v. U. S.*, 211 U. S. 577.)

The Supreme Court in *United States v. Bridge Co.* (6 McLean 515, pp. 531, 532) stated:

In the admission of any States into the Union compacts were entered into with the Federal Government that they would not tax the lands of the United States. This implies that the States had power to tax such land if unrestrained by compact.

In *United States v. Bridge Co.* (ibid. 532) the court stated:

Within the limits of a State, Congress can, in regard to the disposition of public lands and their protection, make all needful rules and

regulation, but beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals. A mode is provided for the cession of jurisdiction when the Federal Government purchased a site for a military post, a customhouse, and other public buildings; and if this mode be not pursued, the jurisdiction of the State over the ground purchased remains the same as before the purchase. This, I admit, is not a decided point, but I think the conclusion is maintainable by the deductions of constitutional law.

The States have authority to establish such rules of property for themselves as they deem expedient, relative to the ownership of the beds and banks of navigable streams subject to the authority of Congress to control navigation in the interest of commerce. (27 R. C. L. 1369, 1072, and cases cited.)

That for the purpose of its policy, the State has legislative control, exclusive of Congress, within its territory, of all persons, things, and transactions of strictly internal concern. (*Bowman v. Chicago & N. R. Co.*, 25 U. S. 465, 493.)

Assuming that a State may divest itself of its control and dominion over the bed and banks and the use of the waters of the stream, and that the United States may acquire a property right in the bed and banks of a stream and the use of the waters by such action on the part of the State; the States of Arizona and Nevada, which are nonriparian States, have not so divested themselves of the property at Black Canyon Dam site in the Colorado River. (See *Kaukana Water Power Co. v. Green Bay & Mississippi Canal Co.*, 142 U. S. 254; *Green Bay & Mississippi Canal Co. v. Patten Paper Co.*, 172 U. S. 58; 9 Corpus Juris, 185 in re opening West Farm Road, 213 N. Y. 325; *Fulton Light Co. v. State*, 116 N. Y. S. 1000, sec. 10570, et seq., Code of Alabama, 1923.)

The State of Arizona and the State of Nevada are not riparian States and, in any event, they have not conveyed to any person or to the Federal Government title to the banks and beds and the use of the water of the Colorado River at Black or Boulder Canyon. This is one distinction between this issue and issues decided in the Green Bay cases, the Economy Light & Power Co. cases; or at Muscle Shoals. At each of these dam sites the State had voluntarily divested itself of the title to the bed and banks of the streams and the United States had acquired the same.

The right to use the bed of navigable streams, for purposes other than the improvement of navigation, can only be acquired by legislative grant.

A franchise or license to build dams, locks, or other structures in a navigable stream does not create any interest in the land.

The legislation which is proposed in Senate bill 728 would result in the National Government acquiring, by subterfuge, the absolute control of over 90 per cent of the water of the Colorado River and would enable the Federal Government to lease, sell, or give it away. The bill would create a Federal monopoly in 90 per cent of the flowing waters of the Colorado River and in exercising the authority vested in the Federal Government by this act it may dispose of the water under rules, regulations, and upon terms different from, and in actual conflict with, the rules, regulations, and terms established by the State of Arizona for the appropriation and use of waters within its borders. This legislation is in direct conflict with the opinion of the Supreme Court in *Kansas v. Colorado* (206 U. S. 92) in which case the court stated:

We do not mean that its (National Government) legislation can override State laws in respect to the general subject of reclamation.

That power to tax is the power to destroy is the principle exempting the property of the Federal Government from taxation by the States and likewise exempting the property of the States from taxation by the Federal Government. No one will deny that as a legal proposition any property held by the Federal Government necessary or useful in performing the functions vested in the Federal Government by the Constitution is exempt from State taxation. A wholly different question arises when the Federal Government goes into a private business such as the production and distribution of hydroelectric power either directly or through leases. It was held in *South Carolina v. United States* (199 U. S. 437) that where a State assumed to conduct a private business, the performance of which did not fall within the ordinary and usual functions of a State, the business was not exempt from taxation by the Federal Government merely because it was conducted by the State. It was said by the Supreme Court in *Hammer v. Dagenhart* (247 U. S. 275) that the maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as the conservation of the supremacy of the Federal power in all matters intrusted to the Federal Government by the Federal Constitution.

This being the case it would seem to follow since the Federal Government may tax private business conducted by the States the States may also tax private business conducted by the Federal Government, and that such will be the rule is asserted in the dissenting opinion in the case of *South Carolina v. United States* (199 U. S. 437).

We are at present concerned, however, not with what is the strict right of the United States in this respect but rather with what is the equitable thing that Congress should do in the matter. The exemption of Federal property from taxation by the States may be waived by Congress. Both the legality and good policy of such waiver are firmly established. Thus, Congress permits the taxation of national banks by the State at the same rate as other State property is taxed and with the consent of Congress such taxation is legal. (*Owensboro National Bank v. Owensboro*, 173 U. S. 664; *Bank of California v. Richardson*, 348 U. S. 476, 483.)

So also with certain lands granted to railroad companies. (*Central Pacific Railroad Co. v. Nevada*, 162 U. S. 512, 521; *Northern Pacific Railroad Co. v. Myers*, 172 U. S. 589, 597.)

Such taxation is also permitted under certain conditions by acts of Congress of lands in irrigation districts, and of lands held in trust for certain Indian tribes in Oklahoma.

As a matter of fair dealing between States, Congress should permit the taxation by Arizona and Nevada of the power produced at Boulder Canyon Dam. The dam will be situated wholly in Arizona and Nevada. So will also be the reservoir. It is expected that but little land in Nevada will be irrigated from the reservoir. Only an insignificant strip of California lies in the Colorado River Basin. It is proposed to build a canal for Imperial Valley lands at a cost of \$31,000,000; another canal to irrigate the lands in Coachella Valley, also in California, is also authorized by the bill which is estimated to cost \$12,000,000; and to pay the interest for a long term of years and perhaps also the principal of the cost of such canal from the proceeds of the sale of the power produced at the dam. It is proposed to pump a vast quantity of water over the mountains to supply the California coastal plains cities with water by means of the power that will be produced at the dam. Most of the remaining power will be conducted by transmission lines to Los Angeles. This water and this power will create billions of dollars of taxable wealth in California out of the construction of a dam and reservoir on the soil of Arizona and Nevada and from the use of water that nature has placed in Arizona and Nevada.

It is thus a case of where Arizona and Nevada resources are to be used to transfer other Arizona and Nevada resources to the State of California. California realizes that without the aid of the Federal Government she can not accomplish her purpose. As a State on an equality with any other State she can not enter into Arizona to build dams or create power. Without such dams or power she can get no more water of the Colorado River than she has now appropriated. Furthermore, if Arizona did permit her to enter and build a dam and other works she would certainly be subject to taxation by Arizona. California therefore comes to Congress and says: Use for our benefit the powers vested in you for the benefit of the Nation and build for us a dam on Arizona and Nevada soil. Produce hydroelectric power by the use of Arizona and Nevada resources to make a profit that will help build our all-American canal and that will pump the water that by nature belongs to Arizona over the mountains to our coastal plain and employ your power of exemption from taxation to our benefit, so that we may have cheap power for our industries and domestic water for our coastal cities.

We have heard it stated that in no event should Congress consent to the distribution of any revenues created by a Government-constructed dam until the construction cost is paid. That principle is correct where the dam is constructed for the benefit of the State and with the consent of the State where the dam is situated, because in such case the State collects taxes from the taxable wealth created by the Government investment. But where the dam is built in one State against its wishes and for the benefit of another State that principle does not apply. In the latter case for the Federal Government to insist on its exemption from taxation is simply robbing one State for the benefit of another. It is said that we are one Nation and State lines should be disregarded in the development of resources. But since State lines are regarded in imposing a large part of the burdens of Government they can not be disregarded in the development and distribution of resources without stripping the poorer States for the benefit of the more opulent States. But it is said that the project will not stand the extra cost of

taxation. If it is worth so little to California that taxes can not be paid thereon, it should not be presently undertaken but should be left to Arizona to utilize in her future development.

#### NAVIGATION ON THE COLORADO RIVER AND THE EFFECT OF IRRIGATION THEREON

The Boulder Canyon project act is the consummation of the plan for the development of the Colorado River as outlined in the Fall-Davis report (S. Doc. 142, 67th Cong., 2d sess.). This bill in the main conforms to the recommendations in that report, which are found on page 21 of the report. These recommendations are as follows:

1. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a high-line canal from Laguna Dam to the Imperial Valley, to be reimbursed by the lands benefited.
2. It is recommended that the public lands that can be reclaimed by such works be reserved for settlement by ex-service men under conditions securing actual settlement and cultivation.
3. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a reservoir at or near Boulder Canyon, on the lower Colorado River, to be reimbursed by the revenues from leasing the power privileges incident thereto.
4. It is recommended that any State interested in this development shall have the right at its election to contribute an equitable part of the cost of the construction of the reservoir and receive for its contribution a proportionate share of power at cost, to be determined by the Secretary of the Interior.
5. It is recommended that the Secretary of the Interior be empowered, after full hearing of all concerned, to allot the various applicants their due proportion of the power privileges and to allocate the cost and benefits of a high-line canal.
6. It is recommended that every development hereafter authorized to be undertaken on the Colorado River by the Federal Government or otherwise be required in both construction and operation to give priority of right and use—  
First. To river regulation and flood control.  
Second. To use of storage water for irrigation.  
Third. To development of power.

It will be noted that the "improvement of navigation" is not mentioned in the report and that the project is an irrigation and power project.

The Chief of Engineers of the Army prepared a memorandum on navigable waters, as defined by the Supreme Court of the United States. The memorandum is found on page 298 of the hearings of the House of Representatives on H. R. 2903, Sixty-eighth Congress, first session, February 27, 1924, and is as follows:

The Daniel Ball (10 Wall. 557): A river is navigable in law when it is navigable in fact, and it is navigable in fact when it is used or is susceptible of being used in its ordinary condition as a highway for commerce over which trade and travel may be conducted in the customary modes of trade and travel on water.

A river or other waterway that lies wholly within the limits of a State and has no navigable connection with any waters outside the boundaries of the States is a navigable water of the State, subject to regulation and control by State laws, and does not come within the jurisdiction of Congress nor of the laws enacted by Congress for the preservation and protection of navigable waters of the United States.

A river or other waterway constitutes a navigable water of the United States, within the meaning of the aforesaid acts of Congress, when it forms by itself or by uniting with other waters a continuous highway over which trade and travel is or may be conducted between the States themselves or between the States and foreign countries.

The Montell (20 Wall. 430): The true test of the navigability of a stream does not depend upon the manner or mode by which commerce is or may be conducted nor upon the difficulties attending navigation. If this were so, the public would be deprived of the use of many of the large rivers of the country over which rafts of lumber of great value are constantly taken to market. It would be a narrow rule to hold that in this country unless a river was capable of being navigated by steam or sail vessels it could not be treated as a public highway.

The capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river rather than the extent and manner of that use.

If it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, whether in vessels propelled by steam, wind, cars, or poles, the stream is navigable in fact, and becomes in law a public highway.

21 Pickering, 344: It is not to be understood, however, that every ditch or inlet in which the tide ebbs and flows, nor every small creek in which a fishing skiff or gunning canoe can be made to float at high



water, is a navigable highway; but to give it the character of a navigable stream it must be generally and commonly useful to some purpose of trade or agriculture.

DECISION BY UNITED STATES CIRCUIT COURT OF APPEALS

*Harrison v. Flite* (148 Fed. 781): To meet the test of navigability as understood in American law a watercourse should be susceptible of use for purposes of commerce or possess a capacity for valuable floatage in the transportation to market of the products of the country through which it runs. It should be of practical usefulness to the public as a public highway, in its natural state and without the aid of artificial means. A theoretical or potential navigability, or one that is temporary, precarious, or unprofitable is not sufficient. While the navigable quality of a watercourse need not be continuous, yet it should continue long enough to be useful and valuable in transportation; and the fluctuations should come regularly with the seasons, so that the period of navigability may be depended upon. Mere depth of water, without profitable utility, will not render a watercourse navigable in the legal sense, so as to subject it to public servitude nor will the fact that it is sufficient for pleasure boating or to enable hunters or fishermen to float their skiffs or canoes. To be navigable a watercourse must have a useful capacity as a public highway of transportation.

Gen. Lansing H. Beach, Chief of Engineers of the United States, War Department, testified before the Colorado River Commission (first meeting). He said:

While the lower Colorado River did have some navigation on it in the seventies, there is nothing on it to-day to justify navigation being regarded as of foremost importance.

Col. William Kelly, former chief engineer of the Federal Trade Commission, on April 15, 1924, testified (H. R. 2903, 68th Cong., 1st sess., p. 1228) as follows:

The physical conditions on the Colorado River Basin make it fairly simple to outline what form the complete development should take. In the upper region, above the junction of the Green with the Colorado, there are possibilities for both irrigation and power development. Below the junction of the Green and Grand, through the canyon section, irrigated development is practically impossible, except for a few very small intercanion areas.

Power in this section can be developed to an amount of probably 4,000,000 horsepower, and that development can be made without interference with irrigation.

In the lower basin irrigation is by far the most important development. Such power as will be developed there will be relatively small, and will be incidental to irrigation developments. In some of the irrigation developments there will undoubtedly be opportunities to develop a small amount of power; and such developments will take care of themselves, because they help to carry the financial burden.

There are two things which I think stand out on the Colorado River:

One is that there is sufficient land to use all the water in the river, and perhaps more than enough land available for irrigation. Consequently, there should be no waste of water by unnecessary evaporation or by diversion which does not give full efficiency.

The second point is that the Colorado River constitutes the only big remaining source of power in the southwestern section of this country; and every kilowatt-hour that can be developed from the Colorado River will be needed. Consequently, no development should be permitted on the river which will reduce the ultimate supply of water or the ultimate amount of power that can be taken out of the river.

Those are the two basic principles on which the outline of a general scheme of development must rest.

(Page 1240)

According to the Reclamation Service figures, which check with those of the Geological Survey and those that have been made in my office, 3,200,000 acre-feet of storage, if placed at Laguna Dam, would control the floods in the worst flood season of record, so that the maximum flow would not exceed 75,000 second-feet. If that dam be moved upstream, certain additional storage must be provided in order to compensate for the storage that exists in the valley now during those high floods.

(Page 1244)

On the ultimate development as proposed by the Reclamation Service, in order to get the maximum power output from this Boulder Canyon Dam, a dam is to be built at Bullshead which would have a storage capacity of 1,600,000 acre-feet.

(Page 1258)

In the upper basin, and that the consumption of water for irrigating these lands will lie somewhere between 1 and 1½ acre-feet per acre per year. If we take it at slightly over 1 foot, the consumption for upstream lands becomes ultimately 4,500,000 acre-feet. If we take it at 1½ feet, it becomes 6,500,000 acre-feet.

(Page 1259)

The available water supply is still somewhat in doubt. The Reclamation Service, based on the records at Yuma over the past thirty-odd

years, figure that the average annual run-off amounts to about 16,000,000 acre-feet. The Geological Survey, going back and figuring since 1878 to what the probable run-off has been, placed the usable annual run-off at somewhere around 12,000,000 acre-feet. Now, the figure lies somewhere between there. It is impossible to get at it with precision.

(Page 1262)

In addition to the above acreage, the reclamation report states that there are 800,000 acres in Arizona that might be feasible under the Parker-Gila project which were not included. If we include them, the water required on the same basis for the lower basin becomes 13,360,000 acre-feet per year. The total water required, therefore, from the Colorado River on the minimum basis stated is 14,460,000 acre-feet per year.

On the maximum basis, which includes the 800,000 acres of the Parker-Gila project and a slightly larger consumption in the upper region, it amounts to 20,400,000.

Now, the average run-off of the river, as I stated, taken from the reclamation records at Yuma gauge, is about 16,000,000 acre-feet per year. The average as deduced by the Geological Survey may run as low as 12,000,000 acre-feet per year. With the records available it is impossible to tell with precision just where the average will come, but it will lie somewhere between those figures.

(Page 1271)

Mr. RAKER. The States of the upper basin will not cause the flow of the water to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 years, reckoned in continuing progressive series, beginning with the 1st of October next succeeding the ratification of this compact. Now, what does that mean?

Colonel KELLY. Well, that means any consecutive 10-year period that you might take. That is, if you went over the record you would pick out the worst 10 years with respect to flow, and the average flow during that time would have to amount over the 10-year period to 75,000,000 acre-feet, although it might at some time have been less than \* \* \* 75,000,000 acre-feet.

(Page 1272)

Mr. RAKER. All right. I will put it this way, Colonel: From the mouth of the river, the Gulf of California, up, say, to Lees Ferry, have you made any investigation to see how many obstructions there are in the river that would have to be removed to clear it for navigation if you put in locks, if you kept the flow of the stream in shape, and there was not to be permitted to be taken out the water that has been taken and is contemplated?

Colonel KELLY. Well, the river is obstructed in its natural condition for navigation in many places. Of course, through several months of the year below Yuma there is practically no water in the river. The Laguna Dam is an absolute obstruction to the passage of boats up and down the river, but boats have passed up as far as Old Coleville.

(Page 1273)

Mr. RAKER. The Laguna Dam has assisted in obstructing the navigability of the river?

Colonel KELLY. It is a complete obstruction.

Mr. RAKER. And also the diversion of the Imperial Valley has been another means of obstruction?

Colonel KELLY. Yes, sir.

Mr. RAKER. So what has been done has been done to obstruct the navigation rather than to expedite navigation?

Colonel KELLY. What has been done practically puts navigation out of possibility except on certain stretches of the river.

Mr. Arthur P. Davis, former Director of the Reclamation Service, testified before the Colorado River Commission, first meeting, page 43 and page 44, Department of Commerce, Washington, January 26, 1922, as follows:

It [Laguna Dam] was authorized by the act of Congress due to the fact that the river was navigable and it actually stopped navigation. It is not possible to navigate past the dam. At that time there were, I believe, three boats plying on the lower Colorado River and it had been for a long time a navigable stream and the commerce had been considerable at one time. It is gradually declining on account of the railroads tapping many points and being much more accessible for the transportation necessary, and now Laguna Dam is a stop to navigation. Navigation is possible above and below, but not through the dam.

\* \* \* As a practical fact Laguna Dam is the diversion for the Yuma project and the Imperial Valley project, and it has destroyed practical navigation below. Every use of the water for irrigation depleted the supply. The navigation of the river was one of the problems that we had to meet, and following the act of Congress all trouble was overcome by the purchase of the steamboats on the river by the Government. The operation of these boats had become unprofitable, for there had been no profit in navigation for a good many years; the boats were old and no new ones were put into commission. They are used for construction purposes and finally were put out of service—Colorado River Commission, first meeting, etc.

Many years ago the navigation of the Colorado River was possible and was actually carried on from the mouth of the river to points in what is now the State of Nevada. As late as 1904 there were still some boats engaged in transportation upon the lower reaches of the river. In 1901 the first large diversion from the lower stream system, that to the Imperial Valley, began; and this, with other development in the basin, necessarily depleted the supply for navigation below that point.

In 1904 Congress passed an act (33 Stat. 224, sec. 25) authorizing the Secretary of the Interior to divert the waters of the Colorado River for the irrigation of lands now constituting the Yuma irrigation project. Under this authority there was constructed shortly thereafter what is known as the Laguna Dam, a large dam across the channel of the river a short distance above Yuma. This dam now effectually prevents any navigation of the river between points above and below. Prior to the construction of this dam the operation of boats on the river had become unprofitable, there having been no navigation for several years. The boats then in service were old. They were purchased by the Government, used in connection with the construction of the dam, and then put out of service. While there is an occasional period of high water when navigation may be physically possible, this would continue for only a few months in ordinary years. There is no commercial navigation upon the river at present.

Mr. L. Ward Bannister, a Denver attorney, who has appeared before the committees of Congress numerous times in support of amendments to the Boulder Dam bill, in a letter to Congressman E. O. LEATHERWOOD, who was a member of the Committee on Irrigation and Reclamation, April 7, 1924, which is found beginning on page 900 in the hearings of H. R. 2903 (68th Cong., 1st sess., 902), in discussing the question of navigation, stated:

In the case of the Colorado River the Federal Government is not intending to protect navigation, if, indeed, the river can be said to be navigable, but joins the States in the intention that the waters shall be withdrawn for purposes utterly inconsistent with navigation, such, for instance, as irrigation. When, therefore, the course of development is to be one which has no bearing upon navigation except to destroy it, the course of development and the water rights gained must be under the power of the State and not under that of the Federal Government. In States where riparian rights exist as to nonnavigable streams riparian rights also exist as to navigable streams, except in the latter case they are subject to the paramount public right of navigation. Except for the extent required for the public right of navigation, riparian rights exist with respect to navigable streams in States where they exist as to nonnavigable streams. In the seven States of the West, however, riparian rights exist neither as to nonnavigable nor as to navigable streams.

The construction of a dam at Boulder Canyon by the Federal Government is not an act for the purpose of promoting or protecting navigation. The very purpose is to gather water in order later to withdraw it from the stream for use on land and also in order to generate electric power. These acts by the Government are not connected with navigation, and therefore can not be justified by the interstate commerce clause of the Constitution, which is the clause under which the Congress has the implied right to protect navigation on an interstate stream.

It (the Federal Government) has no rights of ownership. Under the commerce clause its power is to protect navigation, if the river is navigable, and not to enter into schemes for withdrawing water from the river, for that would be destructive of navigation.

We know that the development of the Colorado River, whether undertaken by the States or by the Federal Government, is going to proceed without any regard for the protection of navigation; in fact, the whole scheme from the Gulf to Wyoming contemplates the withdrawal of the water. Even if Congress has the power to prohibit withdrawal by reason of the stream being navigable, the Congress is not going to exercise it, and therefore it may well say that the stream has ceased to be navigable and that navigation uses are subservient to other uses. The meaning of article 4 of the compact as to navigability is not as clear as it might be with respect to whether or not there is a declaration to the effect that the stream is not navigable, but this is not of practicable importance.

Mr. President, if the advocates of the Swing-Johnson bill had exercised energy and good judgment, Imperial Valley would to-day have been protected from floods of the Colorado River and the all-American canal would have been nearing completion; but, unfortunately for Imperial Valley, the advocates of the Swing-Johnson bill have preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant.

California seeks not only flood control but hydroelectric power. Flood control may be the excuse, but power is the substance of the demand for this bill. Arizona has never stood in the way and does not now stand in the way of ample appropriations for flood control on the Colorado River. \* \* \*

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation had labored for Imperial Valley along flood-control lines, success would have long ago abundantly crowned such efforts.

If the sword of Damocles is suspended over Imperial Valley and if the waters of wrath are held in check only by a tricky guard of sand, let the California delegation but ask for appropriations and the relief prayed for will be promptly granted by Congress.

The great point at issue is whether the States are sovereign over their waters subject only to the right of Congress to legislate for the improvement of navigation.

Arizona can not, under any circumstances, yield her right to an equitable share of the waters of the Colorado River available for use in the lower-basin States. This water is absolutely essential to Arizona's development. It represents the only possibility of the reclamation of a large tract of her arid but exceedingly fertile and otherwise highly favored land. It means, at some time in the not remote future, population, homes, taxable wealth, prosperity, and the subsisting of peoples. Aside from the question of the rights of States and of geographical boundaries, the deprivation of this land of an opportunity for development would mean a tremendous economic waste, both in the production of crops and in the duty of water.

Arizona has 1,500,000 acres of land, easily susceptible of irrigation from the main stream of the Colorado River. It is land highly favored both by soil and climatic conditions and lies adjacent to the Colorado and Gila Rivers in the southwestern portion of Arizona. It requires only water to make it tremendously productive of crops of a highly valuable character, and which can be produced only to a limited extent in the United States. This land drains back into the Colorado and Gila Rivers and its irrigation will therefore result in a return flow, and in an important saving of water over the irrigation of land having no drainage, where the water actually used on the land as well as the surplus flowing in the canal is forever lost. Through engineering feats of the greatest proportions all of the water of the Colorado River might be placed by gravity upon Arizona land, but no questionable engineering feat is involved in the utilization of Arizona's fair division of the water available for use in the States of the lower division. This is Arizona's claim, which she presents for the consideration of all who are fairly disposed toward the principle of equity and justice. It may be true that with only one-half of the water in the lower basin at her disposal, some of California's desert land could not be watered. If so, no hardship would be suffered by that State, which would not likewise be visited upon Arizona. If some acreage must be forever arid, there is no sound reason why Arizona should be singled out to bear the burden and the loss.

I now read to you from the Saturday Evening Post an article written by a gentleman who is not friendly to Arizona's attitude, judging from the whole article; but this is what, in part, he says:

Wealth and population are small in Arizona as compared with California. But the percentage of growth has been very remarkable, indeed. The State has been settled by white men and free from Indian disturbances a short time, comparatively speaking. All things considered, it is doubtful if any other State has such just cause for pride. Great mining industries, large farming areas, unequaled scenic attractions, good roads, excellent schools, a large State university, flourishing cities, famous health resorts—all these have been established or rendered accessible in an amazingly short period of time.

This is not from some orator who speaks as a friend of Arizona, but it is from a man writing in the Saturday Evening Post from the viewpoint of an antagonist of Arizona's position. Arizona has done these things within 20 years. This bill would destroy our opportunity for and stifle our hope of future growth.

I should say at this juncture that those who are foremost in promoting this legislation do not understand this bill; I say this not in criticism of their ability, but to do justice to their morality, for if they understood the consequences of this bill they would not be found supporting the same.

This bill is a reckless and relentless assault upon Arizona. It may indeed appeal to some as a project of superb magnitude, but the bill is ruthless and cynical. It swarms with cryptic phrases. It is not the voice of compromise or an extension of the hand of amity and friendship.

I denounce it in the name of the Federal Constitution, which it violates; I denounce it in the name of Arizona, whose sovereignty it violates; I denounce it in the name of that fair play, which most bullies and all pugilists respect.

Mr. BRATTON obtained the floor.



Mr. JOHNSON. Mr. President, will the Senator from New Mexico yield to me to suggest the absence of a quorum.

Mr. BRATTON. I beg the Senator not to do that.

Mr. JOHNSON. I should infinitely prefer to do it, because I assume that the Senator from New Mexico, as one of the representatives of the upper States, is about to present, from his State's viewpoint, this bill. I should be very glad, therefore, if he would permit me to suggest the absence of a quorum.

Mr. BRATTON. Very well.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Fess in the chair). The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McNary	Shipstead
Barkley	Glass	Metcalf	Shortridge
Bayard	Glenn	Moses	Smita
Bingham	Goff	Neely	Smoot
Black	Greene	Norris	Steiner
Blaine	Hale	Nye	Swanson
Bleas	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Overman	Trammell
Brookhart	Hayden	Phipps	Tyson
Broussard	Heflin	Pittman	Vandenberg
Bruce	Johnson	Ransdell	Wagner
Capper	Jones	Reed, Mo.	Walsh, Mont.
Caraway	Kendrick	Reed, Pa.	Warren
Couzens	Keyes	Robinson, Ark.	Waterman
Curtis	King	Robinson, Ind.	Wheeler
Denen	Locher	Sackett	
Fess	McKellar	Schall	
Fletcher	McMaster	Sheppard	

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is necessarily absent because of illness in his family.

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is detained from the Senate on account of illness.

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. PHIPPS. Mr. President, will the Senator from New Mexico yield to me for a moment for the purpose of presenting an amendment?

Mr. BRATTON. I yield to the Senator.

Mr. PHIPPS. I understand that the pending amendment is the one offered by the junior Senator from Arizona [Mr. HAYDEN]. I desire to offer an amendment to that amendment, which I believe is permissible under the rule in force.

The PRESIDING OFFICER. The Chair will ask the Senator from New Mexico whether he has submitted his amendment? Is it pending?

Mr. BRATTON. It has been printed and is lying on the table, but has not been formally proposed.

The PRESIDING OFFICER. Then the amendment of the Senator from Colorado to the amendment will be in order.

Mr. PHIPPS. I ask to have my amendment to the amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 5, strike out all of lines 1 to 18, inclusive, and insert in lieu thereof the following:

"Sec. 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet of the waters apportioned to the lower-basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters

unapportioned by said compact, such uses always to be subject to the terms of said compact."

On page 6, strike out line 25, and on page 7, lines 1 to 8, inclusive, and insert in lieu thereof the following: "permanent service and shall conform to paragraph (a) of section 4 of this act. No person shall".

On page 12, after line 14, add the following paragraph to section 6: "The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein."

Mr. PHIPPS. I thank the Senator from New Mexico.

Mr. BRATTON. Mr. President, the Colorado River system, with which we are dealing in the pending measure, is one of the largest to be found anywhere in the Nation. Indeed, its length is about 1,700 miles, with a drainage area of approximately 242,000 square miles. Its fall aggregates almost 7,500 feet, or an average of  $4\frac{1}{2}$  feet per mile. Seven States are directly affected, because a part of the territory of each of them is within the drainage area of the river.

It is an interstate navigable stream, thus making it a national problem, concerning all of the country generally. The stream crosses the international boundary, enters the Republic of Mexico at a point below Yuma, Ariz., and finally discharges into the Gulf of California, thus injecting an international feature into the equation.

Title to water, with the right consumptively to use the same in a beneficial way, is a matter that has concerned the Western or so-called arid States most vitally. Because of the importance of this river system, its extreme magnitude and its potential possibilities, both for irrigation and power purposes, the seven basin States, joined by the Federal Government, set about in 1921 to effectuate an agreement adjudicating the title and allocating the use of the water. An act of Congress was passed authorizing the designation of a representative of the Government to participate in a conference to be held for that purpose. Hon. Herbert Hoover was duly designated. Each of the seven States passed a statute providing for the appointment of an agent or commissioner to act for and on behalf of the State. The several representatives so named convened at Santa Fe, N. Mex., negotiated at length, considered every phase of the situation, and then mutually agreed upon the terms of a compact. It was finally signed by all of them at Santa Fe, November 24, 1922. It has been and is commonly called the Colorado River compact. I ask leave, Mr. President, to have it printed in the RECORD at this juncture.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Is there objection?

There being no objection, the compact was ordered to be printed in the RECORD, as follows:

COLORADO RIVER COMPACT, SIGNED AT SANTA FE, N. MEX., NOVEMBER 24, 1922

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America approved August 19, 1921 (42 Stat. L., p. 171), and the acts of the legislatures of the said States, have through their governors appointed as their commissioners: W. S. Norviel for the State of Arizona, W. F. McClure for the State of California, Delph E. Carpenter for the State of Colorado, J. G. Scrugham for the State of Nevada, Stephen B. Davis, jr., for the State of New Mexico, R. E. Caldwell for the State of Utah, Frank C. Emerson for the State of Wyoming, who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles:

#### ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies, and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these ends, the Colorado River Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them with the provision that further equitable apportionments may be made.

#### ARTICLE II

As used in this compact:

(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the

United States of America to which the waters of the Colorado River system shall be beneficially applied.

(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

(d) The term "States of the lower division" means the States of Arizona, California, and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River 1 mile below the mouth of the Paria River.

(f) The term "upper basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain into the Colorado River system above Lee Ferry and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lee Ferry.

(g) The term "lower basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain into the Colorado River system below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

#### ARTICLE III

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water which can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

#### ARTICLE IV

Priority: (a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

#### ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex officio—

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lees Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

#### ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State, the governors of the States affected, upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

#### ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

#### ARTICLE VIII

*Perfected rights.*—Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

#### ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

#### ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

#### ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each signatory State to the governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at the city of Santa Fe, N. Mex., this 24th day of November, A. D. 1922.

W. S. NORVIEL.  
W. F. MCCLURE.  
DELPH E. CARPENTER.  
J. G. SCRUGHAM.  
STEPHEN B. DAVIS, Jr.  
R. E. CALDWELL.  
FRANK C. EMERSON.

Approved.

HERBERT HOOVER.

Mr. BRATTON. Under the terms of the compact, the system was divided into two entities, designated as the upper basin, composed of that part of the States of Colorado, New



Mexico, Utah, and Wyoming lying within the basin from which waters naturally drain into the Colorado River system above Lee Ferry, as well as all parts of said States located without the drainage area of the river system which were then or should thereafter be beneficially served by water diverted from the said system at any point above Lee Ferry; the other being denominated as the lower basin, composed of those parts of the States of Arizona, California, Nevada, New Mexico, and Utah from which waters naturally drain into the river system below Lee Ferry, as well as all parts of said States situated without the drainage area of the system which were then or thereafter should be beneficially served by water diverted at points below Lee Ferry. Colorado, New Mexico, Utah, and Wyoming are generally referred to as upper-basin States, and Arizona, California, and Nevada as lower-basin States. For convenience they will be so denominated in this discussion.

Under the terms of the compact 15,000,000 acre-feet of water per annum was apportioned, 7,500,000 acre-feet thereof to the upper basin, and 7,500,000 acre-feet to the lower basin, with the additional provision that the lower basin was given the right to increase its beneficial consumptive use of water from said stream system to the extent of 1,000,000 acre-feet per annum. The agreement contains a further provision that if, under the doctrine of international comity, the Government shall be required to furnish any water to Mexico, it shall be supplied from the surplus water of the river system above the allocations thus made and, if such surplus is insufficient for that purpose, then the burden shall be borne equally by the upper and lower basins, each contributing one-half of the water thus exacted.

The compact was submitted to the several States for ratification. Without entering into a discussion of the details, it is sufficient to say that all of them, except Arizona, ratified it. Following Arizona's refusal or failure to act favorably, and as an alternative, efforts were put forward to make the agreement effective upon its ratification by six of the States and the Government. This plan has not been effectuated, thereby allowing the title to the water of this immense river system to remain undetermined and the subject matter of much dispute.

The seven States in particular, and the Government in general, have a common interest in the international feature of the situation. As previously stated, on leaving the United States, the river enters Mexico. We have no treaty with Mexico in respect to the river. People residing in Mexico and owners of property situated there have for many years diverted water from the river for irrigation of their lands situated within the Republic. According to my best information, there are about 400,000 acres of land susceptible of irrigation situated adjacent to the river. I am told that of this, more than 200,000 acres are now actually in cultivation, and that the area is being steadily and rapidly enlarged, thus correspondingly increasing the amount of the diversion from the river.

Discussion of how or where the matter might be determined aside, it is my firm belief that so long as we remain idle and permit those in Mexico to increase their prior application of this water to beneficial use, a serious question will be presented regarding our duty to respect their rights as being superior to our own. In making this assertion, I am not unmindful of the views entertained by some that, within the purview of international law, there is no obligation on the part of one nation to deliver any water to another nation through the channel of a stream which traverses their separating boundary line. This conclusion rests upon the concept that every nation is an unlimited sovereign, and that to exact such an obligation would constitute a restriction upon sovereignty. The duty of a nation in the lower reaches of an international stream to accept such water as may flow into its territorial confines, burdened with the possibility that it may be either diminished or discontinued by use in the upper nation, is frequently called servitude. While not taking issue with the advocates of such doctrine in respect to its technical existence, I maintain that if we remain inactive and allow more and more water to be placed to beneficial use in Mexico, we shall be confronted with a question fraught with difficulties and dangerous possibilities.

It may be profitable here to quote from an editorial which appeared in the Washington Post yesterday:

Although the board of engineers reporting upon the Boulder Dam project recommended that an agreement be reached with Mexico before appropriating the water of the Colorado River, the bill now pending in Congress makes no provision whatever for Mexico's rights. If the bill should become law and the dam should be built, Mexico would be deprived of most, if not all, of the water in the Colorado River. The 240,000 acres of irrigated land in Mexico now depending upon the Colorado River would be subject to destruction.

Apparently international law gives no nation the ownership of water flowing into it from another country. The United States,

therefore, can take every drop of water out of the Colorado River. But can it do so with honor and with decent regard to the natural rights of Mexico?

The board of engineers may not be expert in international law, but it has given a hint to the United States Government that should not be disregarded. The construction of a project monopolizing all the water of the Colorado, to the great damage of Mexico, would inevitably be followed by a protest from that country. Failing to reach an agreement through diplomatic negotiations, Mexico would ask for arbitration of the question. How could the United States honorably refuse to arbitrate? Yet the arbitral award might be such as to destroy the value of the Boulder Dam project as a source of supply for Los Angeles.

Before the United States commits itself too deeply to the Colorado River project it should, in all fairness, reach an agreement with Mexico.

While I am unable to bring my views into accord with those expressed in the editorial with respect to the manner of solving the problem, I do agree that the situation presents a problem upon which we should look with deep anxiety. So that, if we fail to take appropriate steps to discontinue the enlargement of these rights in Mexico, no one but ourselves will be responsible for the possibly permanent loss of our own birthright. The plan contemplated in the bill is designed to obviate this danger by way of the construction of the so-called all-American canal, through which the water to be used in the Imperial and Coachella Valleys in Southern California will be diverted at a point within the United States and carried exclusively through California to said valleys, thus discontinuing the flow of the water into Mexico, and consequently making it no longer available for consumptive use there. Moreover, we then shall have sufficient water stored for the discharge of any obligation to furnish water in Mexico during dry years, thereby making the entire natural flow of the river during those years available for consumptive use, particularly in the upper basin.

The importance of this can not be overstated. Without storage facilities, substantially as contemplated in the bill, the duty to furnish water to Mexico, either under present rights or those hereafter created prior in point of time to our own, must be met and discharged, if done at all, with water from the natural flow of the river. This flow, in the very nature of things, will be inadequate to supply all of the demands during dry years in the future, so that users of water in the river basin will be constantly overshadowed with the danger of an inadequate supply during such years. On the contrary, if the bill is enacted and the dam constructed with storage capacity of 26,000,000 acre-feet, sufficient flood water will be stored with which to meet our obligation to Mexico during dry seasons, thereby insuring to us the full use of the natural flow in the basin States. The same principle applies as between the upper and lower basins. For the present, however, I am discussing it with respect to the international aspect of the problem. It seems to me that this feature of the situation is sufficiently grave and urgent to move the Senate to act.

That the Government possesses the constitutional power to construct the dam, store the water, and equate and stabilize the flow of the river, seems clear. The stream affords a constant danger to the people residing and the property situated within the Imperial Valley of California. This danger is a shadow which continuously overhangs them in respect to their lives and property. The seriousness of danger occasioned during flood periods seems to be generally admitted, although some question was raised in the course of our debate within the past few days. As is well known, the Committee of the Senate on Irrigation and Reclamation made an exhaustive study of the subject matter. The members traveled extensively in the area of the river system, viewed the physical situation, and received a vast amount of testimony and data. Thereafter a report was made upon the measure, in which the following was said respecting the danger to life and property:

Storage above and the regulation of the flow are now recognized as the only means of protection from floods, not only for the Imperial Valley but for a part of Arizona, a part which by reason of its development has become a productive, valuable, and beautiful territory. The flood danger so far as the Imperial Valley is concerned, is unlike that which exists in any other part of the United States. In other localities destructive floods may occur with untold losses, and yet the waters subside and the territory affected ultimately recover. In the Imperial Valley, floods mean water entering the basin of the saucer-shaped land with no possible outlet. Millions of dollars have already been expended, not only by the localities affected but by the Federal Government, in the attempt to protect the lower basin of the Colorado River from floods. Levees at times have no sooner been built than they have been washed away.

Mr. F. E. Weymouth, formerly chief engineer of the Reclamation Service, in his 1924 report recommending the project, stated in the plain and conservative language of the engineer the physical conditions causing the acute flood menace which exists:

"Within a few years at the most the silt deposits will raise the elevation of this latter area to a point where the main current of the floods will again be thrown to the west and north, at which time the assaults of the river on the Volcano Lake Levee will be renewed, with assurance that sooner or later another break into the valley will occur.

"The menace in case of such a break is not limited as at Yuma and above to the loss of crops and improvements and the cutting away of a few or many acres of valuable land, serious as that menace is. Besides all this the greater danger here is that the levee once breached and the river at flood turned into Salton Sea, the steep gradient of its course will induce the cutting through the soft alluvial soil of a gorge in which the flow may not be checked until a large part of the valley has become submerged beneath the waters of an inland sea." (Hearings on H. R. 2903, 68th Cong., 1st sess., pp. 711, 712.)

The Colorado River is subject to periods of great floods and great droughts. It has been known to reach a maximum discharge of more than 200,000 cubic feet of water per second and a low flow at the head works of the Imperial system of 1,250 cubic feet of water per second.

This causes extremely serious flood situations all along the lower river. Floods above Imperial Valley, were they not overshadowed by the exceptional flood danger to Imperial Valley, would attract attention and call for remedial measures. In 1916 the water stood 2 feet deep in the streets of the town of Yuma and threatened its destruction. In 1922 the river inundated a large part of Palo Verde Valley and the water stood several feet deep in the town of Ripley in that valley, destroying much property and otherwise causing a large amount of damage. Other floods have submerged the Parker Valley and also done serious damage to the city of Needles.

The greatest flood danger, however, is to the Imperial Valley, lying far below the river's channel and with no outlet for flood waters once they enter the valley.

In 1914 the Volcano Lake Levee was breached and 10,000 cubic feet of water per second flowed through the levee into the Imperial Valley for many days before the levee could be repaired. More serious results were avoided by means of hundreds of men placing bags of earth on top of the levee.

In 1918 the Ockerson Levee, which had been rebuilt by Imperial Irrigation district, was breached in two places. The flood water was successfully turned westward to Volcano Lake by other levees, but not until after several thousand acres of land had been inundated and the workmen and a Southern Pacific train marooned. In a course of two days the men were removed but the train was held until the flood subsided, some three months later.

In 1919, before the river was turned into Pescadero Cut, the levees were again breached and 4,000 acres of land inundated before the opening could be closed. The river was so high and the water-soaked earth so soft that maintenance work could not be carried on by the usual means of dumping rock from trains operated for that purpose. This was found to be the case after a locomotive and cars had been lost in the attempt. Numerous smaller breaks have occurred. In 1925, with only 50,000 second-feet of water, the river turned against the levees and in two different places undermined and destroyed them for distances of several hundred feet. This again occurred in 1926. These smaller breaks are of annual occurrence and serious results have been prevented only by constant vigilance. Telephone communication is maintained throughout the entire length of the levees and numerous watchmen are constantly on patrol. Strings of dump cars are kept loaded with rock and during high water locomotives kept under steam for immediate use.

Desilting the water is another element of safety to the Imperial Valley. It must be borne in mind that the annual discharge of silt at Yuma—not the volume carried by the river, but the discharge—is 100,000 acre-feet annually. In this respect the committee said in its report:

The river has an annual discharge at Yuma of more than 100,000 acre-feet of silt. This silt greatly aggravates the flood menace. No temporary works can be built to hold it. It was the silt deposit that built the deltaic ridge on which the river now flows. It was the silt deposit that filled the Bee River and Volcano Lake, so that the river could no longer be held at that point, and the same silt deposit will quickly fill the depression where the river now flows.

The gradient to the north into Imperial Valley is much greater than that to the south into the Gulf, and when the depression is filled there is no means known which, at any cost within reason, can prevent the river from again flowing into the Imperial Valley.

The dam proposed in this bill will catch and hold the silt. Most of the silt finding its way onto the delta is from and above the canyon section. If no other dams were provided on the river, the one proposed in this bill would retain all of the silt finding its way into the reservoir for a period of 300 years, and for more than 100 years before its storage capacity and usefulness would be seriously interfered with. As

other dams are constructed on the river they will catch and retain the silt, thereby further extending the usefulness of the Boulder Canyon Reservoir.

In aid of flood control and navigation, it is the plain duty of the Government to act. It should take appropriate steps to control the flow of the river, and in that manner discharge its solemn obligation and protect the people residing in lower California. This seems to be so clear that argument upon it would be a waste of time. Every Member of the Senate readily concedes the duty of the Government to protect its citizenry against danger from floods upon interstate streams of this character. In the instant case, this seemingly can only be done by the construction of a dam for storage purposes, so that the flow of the river may be equated, stabilized, and controlled. The desired ends can not be accomplished otherwise.

The consensus of opinion is that the most desirable site for the dam is at Black or Boulder Canyon, the two locations being near together, each situated at a point where the river traverses a narrow, deep canyon, with adequate rock foundation and other natural conditions for the construction of the dam with safety. The commission recently appointed, under an act of Congress for the purpose of making a scientific study of the situation, has recommended the Black Canyon site as being more desirable because of better natural conditions. This commission reported emphatically that a dam can be constructed there, approximately 550 feet in height, with storage capacity of 26,000,000 acre-feet, with perfect safety. It is assumed, therefore, that this site will be adopted. When the dam is constructed, the reservoir, with this immense capacity, will equalize and stabilize the flow of the river, protect the people and property in the Imperial Valley in that way, and discharge the duty of the Government in that respect. It will be of vast benefit to all of the States within the basin.

About 84 per cent of the water of the Colorado River rises in the upper basin States. The law of prior appropriation, in its strictest sense, as distinguished from the doctrine of riparian rights in respect to the use of water, obtains in six of the States affected. California has a system partaking in some aspects of each system. It is my opinion that it is so closely akin to the theory of prior appropriation that, as to the Colorado River system, it may safely be called a prior appropriation State. Consequently we may say that all of the States affected hold to the doctrine of prior appropriation in regard to claims to water of intrastate streams. Under this system the one who is prior in point of time in applying water to beneficial consumptive use is superior in point of right. This is true, regardless of their relative positions on the stream. One living down the stream may acquire a superior right to one living above if he is prior in point of time in putting water to beneficial consumptive use. Such a right is effectuated from the time the purpose to make it is definitely formed and actual work to carry it into effect is begun, provided the necessary things to complete it are done with reasonable diligence or dispatch. This was the holding in the case of *Wyoming v. Colorado* (259 U. S. 419). The same thing being held in numerous decisions by State courts. The question naturally arises as to the applicable rule where the stream traverses State lines and is interstate in character.

This question has been before the Supreme Court of the United States, notably in the cases of *Kansas v. Colorado* (206 U. S. 46), just referred to, and *Wyoming v. Colorado* (259 U. S. 419). It already has been stated that the doctrine of prior appropriation obtains in Colorado and Wyoming. The rule of riparian rights was enforced in Kansas at the time the case first mentioned herein was decided. Therefore, in the contest between Colorado and Kansas, the court considered the respective rights of the States where the same system does not apply, one being riparian and the other prior appropriation. It may be said that in that case the court decided that, under such circumstances, it would disregard State lines and determine the question upon principles of equity. In the latter case, it was definitely decided that in a case involving two or more States where each holds to the doctrine of prior appropriation, that rule would be applied regardless of State lines. Consequently, as to the Colorado River system, the rule of prior appropriation is in force regardless of State lines. From this it is perfectly obvious that a State situated in the lower basin, by reason of its more rapid growth and development, may put an undue proportion of the water to beneficial, consumptive use prior in time to any or all of the upper basin States, and thus acquire a superior right to such water. Indeed, if the more rapid growth were extended upon a sufficiently large scale, the entire volume of water in the river not now applied to beneficial use could be acquired by one or more of the lower basin



States, thus depriving all of the States in the upper basin of any part thereof, regardless of the fact that about 84 per cent of the entire volume of the system arises in the upper basin. It is no secret that California is growing vastly more rapidly than any other State in the entire basin. For this she is to be commended rather than criticized. In the very nature of things, she will increase her consumptive use of water from the stream system for domestic purposes in disproportion to any of the other States, and thereby will acquire a steadily increasing prior right to the water. At the same time, power sites of immense potential possibilities are located in Arizona and Nevada. By putting the water to beneficial use for the development of power, prior rights of stupendous proportions may be acquired by these States. Mr. President, on last Saturday I secured from the Federal Power Commission complete data in respect to the number of pending applications for permits for proposed water-power projects on the Colorado River and its tributaries, with the enormous quantities of water sought to be used for such purposes. These applications are suspended by reason of the joint resolution passed during the recent session of the Congress. I ask that these data with the letter of transmittal accompanying them may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

FEDERAL POWER COMMISSION,  
Washington, December 8, 1928.

Mr. F. O. ROTH,  
Secretary to Senator Bratton,  
Room 444, Senate Office Building.

DEAR SIR: In accordance with your telephonic request to Mr. Merrill this morning, I am sending you herewith a list of water-power projects on the Colorado River and its tributaries for which applications for preliminary permits and/or licenses have been made.

Very truly yours,

GLEN E. EDGERTON,  
Chief Engineer in the absence of the Executive Secretary.

#### SUSPENDED APPLICATIONS FOR POWER DEVELOPMENT IN COLORADO RIVER WATERSHED, INCLUDING DATA REGARDING WATER RIGHTS

##### I. PROJECTS ON THE COLORADO RIVER

Project No. 30: Beckman & Linden Engineering Corporation. Parker site on Colorado River. Preliminary permit applied for. Estimated installed capacity, 200,000 horsepower. Water to be diverted on Arizona side of river. Application made to State of Arizona for 50,000 second-feet.

Project No. 59: Edward L. Beyard. Nine dam sites on Colorado River from Echo Peaks just below mouth of Paris River to point 20 miles below mouth of Virgin River. Preliminary permit applied for. Estimated installed capacity, 1,800,000 horsepower. No rights applied for and quantity of water to be used not mentioned.

Project No. 111: Southern California Edison Co. Glen Canyon storage site and Marble Canyon, Bright Angel, and Diamond Creek plants. Preliminary permit applied for. Estimated installed capacity, 3,300,000 horsepower. Applications for water rights to be filed later in Arizona and Utah; amounts not stated.

Project No. 121: James B. Girand. Diamond Creek site. Preliminary permit issued. License applied for. Estimated installed capacity, 200,000 horsepower. On December 22, 1920, filed application for 10,000 second-feet under new law without waiving rights claimed in earlier filings; appropriation made in August, 1913, under then existing law.

Project No. 230: James B. Girand. Colorado River at Andrus Canyon. Preliminary permit applied for. Estimated installed capacity, 130,000 horsepower. Application filed with State water commissioner of Arizona December 22, 1920, without prejudice to rights previously acquired.

Project No. 231: James B. Girand. Colorado River at Pierces Ferry. Preliminary permit applied for. Estimated installed capacity, 130,000 horsepower. Water right application same as No. 230.

Project No. 238: City of Los Angeles. Colorado River at Boulder Canyon. Preliminary permit applied for. Estimated installed capacity, 800,000 horsepower. Application filed with State water commissioner of Arizona July 18, 1921. Amount not given, but plans indicate 15,000 second-feet.

Project No. 258: Southern California Edison Co. Colorado River at Boulder and Pyramid Canyon sites. Preliminary permit applied for. Estimated installed capacity, 1,200,000 horsepower. Water-right applications to be filed in Arizona and Nevada. Amounts not stated.

Project No. 265: Guy P. Mohler. Colorado River at Pyramid and Black Canyon sites. Preliminary permit applied for. Estimated installed capacity, 400,000 horsepower. No statement regarding water applications or amounts to be appropriated.

Project No. 301: Clare N. Stannard. Kremmling site on Colorado River. Preliminary permit applied for. Estimated installed capacity,

57,000 horsepower. Preparing to file application for water right when power application was made; 1,080,000 acre-feet of storage proposed.

Project No. 391: G. Henry Stetson. Colorado River at Bull's Head site. Preliminary permit applied for. Estimated installed capacity, 168,000 horsepower. Entire flow of river to be controlled to maximum of 42,000 second-feet. "The water rights along this section are controlled by the Federal Government, and it is not the intent of the applicant to change their status in any way, but to utilize the waters as they may be released under regulations to be issued by the Reclamation Service."

Project No. 392: G. Henry Stetson. Colorado River at Boulder Canyon site. Preliminary permit applied for. Estimated installed capacity, 1,600,000 horsepower. Same statement regarding water rights as under No. 391.

Project No. 647: City of Los Angeles. Colorado River at Parker site. Preliminary permit applied for. Estimated installed capacity, 200,000 horsepower. Water-right application filed in Arizona September 2, 1925; also filed in California, but date not given. Amount of flow to be used not given, but plans indicate 15,000 second-feet.

Project No. 660: Fred T. Colter, for and in behalf of the State of Arizona. Colorado River at Glen Canyon and Bridge Canyon sites. Preliminary permit applied for. Estimated installed capacity, 750,000 horsepower. Application made to State of Arizona for 20,000 second-feet, diversion at a point 4 miles below mouth of Spencer Canyon; 22,500,000 acre-feet storage at Spencer Canyon; 52,000,000 acre-feet storage at Glen Canyon; 10,000,000 acre-feet storage at Bridge Canyon.

Project No. 661: Board of directors of State institutions, State of Arizona. Colorado River at Bridge Canyon site. Preliminary permit applied for. Estimated installed capacity, 1,000,000 horsepower. "Water rights to be determined by priority and State sovereignty." Amount to be appropriated not given.

Project No. 668: Southern California Edison Co. Colorado River at Topock or Mojave Canyon site. Preliminary permit applied for. Estimated installed capacity, 180,000 horsepower. Application to Arizona and California for water rights not made, but "alleges that the license, if and when issued by the Federal Power Commission, will carry with it the riparian rights of the United States incident to the public lands occupied and used under such license, and that such rights will entitle applicant to the use of the water necessary for the operation of said project." Will acquire by purchase or condemnation all private water rights that may be necessary. Proposed appropriation not stated.

Project No. 770: Board of directors of State institutions, State of Arizona. Colorado River at Glen Canyon. Preliminary permit applied for. Estimated installed capacity, 750,000 horsepower. Water-rights statement same as for 661.

Project No. 808: Board of directors of State institutions, State of Arizona. Colorado River at Parker site. Preliminary permit applied for. Estimated installed capacity, 200,000 horsepower. Water-rights statement same as 661; 1,900,000 acre-feet storage to be provided, diversion on Arizona side.

Project No. 875: Board of directors of State institutions, State of Arizona. Colorado River above Grand Wash. Preliminary permit applied for. Estimated installed capacity, 340,000 horsepower. Water rights "will be determined by priority and sovereignty of State of Arizona."

##### II. PROJECTS ON THE TRIBUTARIES OF THE COLORADO RIVER

Project No. 158: Utah Power & Light Co. Rattlesnake site on Green River, 27 miles above Green River, Utah. Preliminary permit applied for. Estimated installed capacity, 100,000 horsepower. Water-right application made October 20, 1917, in name of J. Kimball Smith for 5,000 second-feet flow and 150,000 acre-feet storage.

Project No. 185: Utah Power & Light Co. Flaming Gorge site on Green River. Preliminary permit issued. License applied for. Estimated installed capacity, 125,000 horsepower. Water-right application filed July 31, 1922, with Utah authorities. Amounts not stated, but plans call for 1,542,500 acre-feet storage and use of entire flow through this regulation.

Project No. 190: Uintah Power & Light Co. Uintah River and Pole Creek, Utah. Preliminary permit issued and expired. License applied for. Estimated installed capacity, 2,425 horsepower. Application filed July 12, 1918, for 150 second-feet on Uintah River. Application filed January 25, 1919, for 20 second-feet on Pole Creek.

Project No. 279: Utah Power & Light Co. Swallow Canyon, Echo Park, Island Park, Split Mountain, Minnie Maud, and Rock Creek sites on Green River; and Juniper Mountain, Maybell, Lily Park, and Blue Mountain on Yampa River. Preliminary permit applied for. Estimated installed capacity, 800,000 horsepower. Plans call for use of 11,000 second-feet on Yampa River and from 2,700 to 7,000 second-feet on Green River. Filings to be made in Utah and Colorado as required.

Project No. 306: Joseph Wittman. Hassayampa River at old Walnut Grove site and at Box Canyon. Preliminary permit applied for. Estimated installed capacity, 5,500 horsepower. Permit from State water commissioner of Arizona, March 6, 1924. Covers right to use all flow at these points except prior appropriations, aggregating approximately 5 second-feet.

Project No. 400: The Western Colorado Power Co. Animas and San Miguel Rivers. License applied for. Estimated installed capacity, 15,770 horsepower. Constructed works and old water rights of 20 to 40 years' standing. Appropriations include 70,500 acre-feet storage in Cascade Reservoir, in San Miguel drainage, and 480 second-feet flow therefrom; also approximately 560 second-feet flow from South Fork of San Miguel and its tributaries.

Project No. 425: John L. Fish. Salt River, Ariz., at Walnut Canyon. Preliminary permit issued and expired. License applied for. Estimated installed capacity, 24,000 horsepower. Original application for water rights made in 1923. Renewed application (without prejudice to previous rights) filed February 17, 1928, to appropriate water for power purposes only. Rights for irrigation use expressly waived. Amounts not stated.

Project No. 524: A. E. Humphreys and J. H. and Mary E. Ratliff. Green River at Split Mountain Canyon site. Preliminary permit applied for. Estimated installed capacity, 60,000 horsepower. Water-right application filed August 28, 1923, for 5,500 second-feet. No storage.

Project No. 630: Mrs. Ida M. Butts. Eagle Creek, Colo. Small mining development. License applied for. Estimated installed capacity not stated. Application returned for revision in compliance with rules. Data as to water rights not available.

Project No. 730: Arizona Sodium Production Co. Aravaipa and Turkey Creeks, Ariz., in Gila watershed. Preliminary permit applied for. Estimated installed capacity not stated. Water rights not yet applied for and amount not mentioned.

Project No. 733: The Western Colorado Power Co. Uncompahgre River at Ouray, Colo. License applied for. Plant built in 1902-1904. Installed capacity, 650 horsepower. No water rights described in application. Hydraulic capacity of plant, 18.5 second-feet.

Project No. 741: Joseph Wittmann. Sabino, Bear, and Sycamore Canyons, near Tucson, Ariz. Preliminary permit applied for. Estimated installed capacity, 1,200 horsepower. Water-right application filed with State water commissioner in 1926. Amounts not given.

Project 767: Joseph Wittmann. Kirkland Creek, Santa Maria River, and Bill Williams River between Kirkland Valley and Colorado River. Preliminary permit applied for. Estimated installed capacity, 8,000 horsepower. Water-right application filed with State water commissioner March 10, 1926. Has priority except on William River. Amounts not given.

Project No. 784: R. H. Woods. Five sites on Gila River in Hidalgo and Grant Counties, N. Mex. Preliminary permit applied for. Estimated installed capacity, 50,000 horsepower. Water-right application to be made for flood waters. Amount of appropriation not stated, but plans propose 5 reservoirs with total storage of 362,000 acre-feet and 500 second-feet regulated flow.

Project No. 788: A. Frederickson. Salt River, Ariz. Preliminary permit applied for. Estimated installed capacity, 12,000 horsepower. Purchase of existing water rights arranged for. Amount not given, but plans propose use of 300 second-feet.

Project No. 837: Arizona Edison Co., Gila River near Clifton, Ariz. Preliminary permit applied for. Estimated installed capacity, 19,000 horsepower. No application made for State water rights, it being erroneously assumed by applicant that the Federal permit would cover power rights in public land.

Project No. 842: R. D. Webb, Lake Fork of Gunnison River, Colo. Preliminary permit applied for. Estimated installed capacity, 3,300 horsepower. Application for 30,000 acre-feet of storage made and filing approved by State engineer September 9, 1927. Filling to cover natural flow to be made later.

Project No. 854: A. E. Humphreys and J. H. and Mary E. Ratliff. Big and Little Brush Creeks, near Vernal, Utah. Preliminary permit applied for. Estimated installed capacity, 11,500 horsepower. Application to appropriate water for power approved by State engineer June 2, 1927.

Project No. 857: R. D. Webb. Henson Creek and Lake Fork of Gunnison River. Preliminary permit applied for. Estimated installed capacity, 3,300 horsepower. Application for 300 cubic foot-seconds approved by the State engineer October 27, 1928.

Project No. 924: Board of directors of State Institutions, State of Arizona. Little Colorado River, Tolchico site. Preliminary permit applied for. Estimated installed capacity not stated. Will "use the heretofore unappropriated and unused water of the Little Colorado River above Tolchico dam site."

Mr. KING. Mr. President, I would like to ask the Senator whether all of the applications have been made for the appropriation of all the water within the State of Arizona, or have applications been made for appropriation in other States? If the Senator has that information, I shall be glad to be advised.

Mr. BRATTON. I speak from memory. My recollection is that most of the water applied for is in Arizona—some in Utah, but the vast majority in Arizona.

Mr. KING. Mr. President, will the Senator suffer a further interruption?

Mr. BRATTON. I yield.

Mr. KING. I am interested in trying to ascertain the annual irrigation of lands in the Imperial Valley. My recollection is that some of the testimony showed, and, indeed, one of the committees reported, that whereas it is claimed there have been irrigated in the Imperial Valley between 400,000 and 500,000 acres, and probably that number of acres have been irrigated, yet that annually not to exceed more than 300,000 acres are irrigated. Some of the land is summer fallowed. Some owners, appreciating that they can not get the full water supply because it is not in the river, irrigate only a portion of their lands each year, and yet in totaling the aggregate lands irrigated they give the entire area which has been irrigated in all the years rather than the annual irrigation.

It is quite important in the consideration of the bill to know whether 500,000 acres of land are irrigated annually or 300,000 acres of land are irrigated annually. Assume, for the purpose of illustrating the point which I am trying to make, that each acre requires 5 second-feet of water for irrigation during the season. If there are actually irrigated only 300,000 acres each year, that would be a net appropriation, which would be subject to the claim of vested rights, of 1,500,000 acre-feet. If, upon the other hand, the 500,000 acres of land are irrigated annually, taking the consumptive use of 5 second-feet per acre, that would mean 2,500,000 acre-feet. My information is that the number of acres irrigated annually one year with another in the Imperial Valley does not exceed 300,000 acres, and yet the claim is made here for 500,000 acres annually.

I wonder if the Senator has any information to show just what the facts are in this matter.

Mr. BRATTON. Mr. President, I do not have the information desired by the Senator from Utah. One day last week the senior Senator from California [Mr. JOHNSON] inserted some tables in the RECORD respecting the amount of land in irrigation in California. I wonder if the Senator from California is in position to give the Senator from Utah the desired information?

Mr. JOHNSON. Mr. President, I am compelled to apologize to the Senator from New Mexico and the Senator from Utah. My attention was engrossed upon another matter at the moment, and I do not know exactly what it was the Senator from Utah desired.

Mr. KING. Will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. In reading the hearings—and I have read thousands of pages—I find that the testimony is somewhat uncertain as to the quantity of water used in the Imperial Valley. There are statements that between four and six hundred thousand acres of land have been cultivated, but as I read the testimony the annual acreage cultivated and irrigated is much less. My recollection is that there is testimony tending to show that the lands upon which crops are grown and which are annually irrigated do not exceed 300,000 acres. It is important for us to know what the annual consumption of water is in the Imperial Valley; to know how many acres are actually cultivated and irrigated each year; it is not sufficient to be told that five or six hundred thousand acres have been irrigated and cultivated. We know that agriculturists allow some of their farm lands to lie fallow. They cultivate a part of their farms one year and another portion the following year, using the same water right for the second year which they used the first year. This is particularly true in those districts where there is irrigation, and the owners of land do not have sufficient water for the irrigation of all their lands each year. Indeed, their experience demonstrates that they can not profitably cultivate all of their lands each year. In most irrigated sections the aggregate area of land which is subject to irrigation and at various times has had water applied thereto is approximately double the area which is annually cultivated and irrigated. If, in the Imperial Valley, only 4 acre-feet of water are necessary for each acre cultivated and irrigated, and only 300,000 acres are annually irrigated, then the appropriation and the so-called "vested right" would be twelve hundred thousand acre-feet, although within the valley there were more than 300,000 acres of land which had been cultivated.

Mr. JOHNSON. Mr. President, I am very frank to say to the Senator from Utah that it is an utter impossibility for me to tell him what lands are summer fallowed and what are not, and whether or not the irrigation is applied to the entire acreage in any one year.

I have before me, for instance, the tables that were presented in the report of Governor Scrugham in relation to the irrigated area in the State of California, but, of course, that does not segregate as between that which is actually under reclamation and irrigation and that which may for a very brief period be permitted to lie fallow for a particular reason. Therefore it is impossible for me to answer the Senator's question, except



to say that in this report it is stated that by gravity in the Imperial Valley in California there are now irrigated 462,000 acres of land; at Yuma—that is, on the California side, not upon the Arizona side—13,000 acres of land; in Palo Verde, 36,000 acres; and then by pumping, miscellaneous, 1,000 acres. The total land irrigated by gravity is 512,000 acres. If it be possible to obtain for the Senator a segregation such as he suggests, I will obtain it. I am unable, however, at the moment, myself, to make that segregation.

Mr. KING. Mr. President, I regard this matter as one of importance, because if the quantity of water used in the Imperial Valley has been only sufficient to irrigate 300,000 acres of land in any one year, then no rights have been acquired to the waters of the Colorado River for a larger area during any one year. The measure of the rights of the Imperial Valley are not the claims of the people of the valley but the amount of water actually applied to beneficial purposes. The question is: How many acre-feet or second-feet of water have been diverted from the river and conveyed to the Imperial Valley and there applied for irrigation and other beneficial purposes? This question is not determined by the aggregate area of land which might have been irrigated, because, as stated, a small quantity of water may be applied upon a parcel of land for one or two years and then used to irrigate a different parcel of land the third or fourth year. Perhaps the fifth year the same quantity of water obtained under the same right may be devoted to irrigating a parcel of land which has laid idle and uncultivated for several years. I repeat the water right is determined not by the area of land cultivated but by the quantity of water actually put to a beneficial use.

Mr. JOHNSON. I think I have given that to the Senator, but as to what might not be utilized of this acreage in a particular period I am unable to say. I will get those figures, if it is possible to get them, for the Senator.

Mr. KING. Mr. President, I am only seeking to ascertain the quantity which has been annually used in the Imperial Valley.

Mr. JOHNSON. It is not difficult to state the amount of water used, but I was stating it in acres. I thought it was acreage for which the Senator from Utah asked.

Mr. KING. I asked for both, because if we know the number of acres of land irrigated and the duty of water—and I have no doubt that the duty of water is well established—it would be easy to determine the annual consumption.

Mr. JOHNSON. Speaking in round numbers, the annual consumption of water that is constantly, continually utilized is 2,100,000 acre-feet, I think, in the Imperial Valley; but I will segregate the figures as best I can if the Senator desires them.

Mr. KING. Mr. President, the hearings disclose that the volume in the Colorado River often is less than 1,200 second-feet, and, as I read the record, I am inclined to believe that the quantity of water used in the Imperial Valley is less than that indicated by the Senator from California. The Senator knows that even if I had the power I would not deprive the people of Imperial Valley of a single drop of water to which they are entitled. The quantity of water which they have used from year to year they are entitled to have in the future. If they have actually applied to beneficial use 2,000,000 acre-feet, then they should in the future have the same amount.

As I have indicated, in view of the claims of the Senator from California that his State should have 4,600,000 acre-feet, and in addition 500,000 acre-feet of a claimed unappropriated 1,000,000 acre-feet, and in view of the fact that the necessity for the 4,600,000 acre-feet partly rests upon the assumption that the Imperial Valley has used 2,000,000 acre-feet, then it is important to determine just what amount the Imperial Valley has used.

If but 300,000 acres have been cultivated annually and twelve or fifteen hundred thousand acre-feet are all that have been actually applied and all that are actually necessary to cultivate the lands which annually have been irrigated, then it would seem that there is sufficient reason for the contention of Arizona that California should not receive the 4,600,000 acre-feet as claimed.

Mr. JOHNSON. I do not know whether the Senator is speaking from the legal standpoint now or from an equitable standpoint that ultimately he would like to see adopted. From the legal standpoint they are entitled under their filings to water for the purpose of irrigation that they put to beneficial use in the territory covered by the particular filing. There is no question on that score.

Mr. KING. I am not certain that I understand the Senator, but if I interpret his position correctly there would be some question. To illustrate my meaning, if the people of Imperial Valley have made filings for 5,000,000 acre-feet of water and

have used only 1,000,000 acre-feet annually, that would be the measure of their vested right for which Congress should legally and equitably provide.

Mr. JOHNSON. No; as I understand, the filings are made for the use of water for a particular designated territory, and then the water is appropriated for beneficial use for that particular designated territory.

Mr. KING. Mr. President, if pursuant to the filing for a particular designated territory, water is used upon that territory, and a right acquired, then there would be no disagreement between my friend and myself. If, however, there is a filing by the Imperial Valley corporations or by individuals or corporations in Arizona or California which is not followed by actual physical appropriation upon the lands in question, that would not be the basis of a vested right so far as we desire to provide for vested rights in the bill which is under consideration.

Mr. JOHNSON. No, Mr. President—and I hope the Senator from New Mexico will pardon me, for this will be my last interruption upon that subject, and only in response to my friend from Utah do I trespass upon the time of the Senator from New Mexico—when an appropriation is made for a particular territory, if the water is put to beneficial use and then reasonable diligence is exercised in utilizing additional water in that territory for additional land, the right is a perfected right under the water law of the West.

Mr. BRATTON. Mr. President, as bearing upon the interests of the upper-basin States, it may well be said that, according to figures furnished by the Bureau of Reclamation in 1922, the following amounts of land were actually in irrigation in the respective upper-basin States in 1920:

	Acres
Colorado.....	740,000
New Mexico.....	34,000
Utah.....	359,000
Wyoming.....	367,000
Total.....	1,500,000

And that the following amounts were susceptible of irrigation in those States, respectively:

	Acres
Colorado.....	1,018,000
New Mexico.....	483,000
Utah.....	456,000
Wyoming.....	543,000
Total.....	2,500,000

Mr. KING. Mr. President, I dislike to interrupt the Senator. The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. BRATTON. I do.

Mr. KING. The Senator has stated that the number of acres susceptible of reclamation or irrigation in Utah, pursuant to the figures which he has given, was 456,000. I do not want to sit quietly by and agree that that is the maximum area which is susceptible of reclamation in the State of Utah from the waters of the Colorado River. As a matter of fact, the number of acres which can be irrigated, land which is valuable and which when water is supplied thereon will produce valuable agricultural crops, is between 750,000 and 1,000,000 acres.

Mr. BRATTON. I am conscious, Mr. President, that it is contended by those residing in each of the States referred to that the respective amounts of new acreage which may be irrigated are vastly larger. According to these data, however, about 2,500,000 acres of land located in the upper basin will be ready at some time in the future for irrigation. The area in New Mexico thus referred to lies in the San Juan Basin. According to a recent investigation made by the State engineer of that State, approximately 600,000 acres of land there, instead of 517,000 acres, is susceptible of reclamation. This would bring that vast area into intensive production, with possibilities beyond the comprehension of any of us. I do not desire to be selfish in the matter, but I am anxious in my efforts to protect these important interests in the State which I have the honor to represent in part here, so that when by reason of changed economic conditions development through agriculture and perhaps generation of power is ready to go forward we shall not be confronted with the asserted claim by those in the lower basin that our share of the water of the stream system has been lost through prior seizure and beneficial use in that region.

If the compact is ratified, title to the water for purposes of irrigation and the development of power will become safe. Without it uncertainty will prevail, investments delayed, and growth retarded. There are only two ways known to me through which title to water of an interstate stream, either for purposes of irrigation or development of power, may be adjudicated. One is by a compact or agreement—the method sought to be followed in this case—and the other is by a

decree rendered in a suit instituted originally in the Supreme Court of the United States. In this case such a suit would involve the seven States affected. Obviously, the former course is infinitely better than the latter. Litigation of this character would be vexatious, interminable, and without limit as to expense. It doubtless would require many years' time for hearings, investigation, and submission of evidence before the first decree could be entered. If the full supply of water were not then needed for beneficial consumptive use, new or additional rights would thereafter arise from time to time respecting the unadjudicated surplus, in connection with which controversies inevitably would be presented, thus necessitating supplemental hearings, more trials, and further decrees. It must be perfectly obvious that this course of procedure would disadvantage everybody connected with this enormous stream system and its limitless possibilities for useful service to the people of all the States in both basins. Each State in the interest of orderly procedure and well-regulated government should urgently and earnestly seek to avoid it.

I have no doubt that there is sufficient water in the river system to satisfy the allocations made under the terms of the compact. In making this declaration, I have not overlooked the statements contained in the report recently made by the commission. That the commission did not have sufficient time to make an exhaustive study of the situation is apparently reflected from the report. I quote the following from it:

The flow of the Colorado River is one of the fundamental factors on which the success of this project depends. On the stream flow depends the amount of land that can be irrigated and the amount of power that can be generated. The information on which this flow has been estimated is inadequate to furnish an accurate or sound estimate on which to base an important project without using factors of safety sufficiently great to make such estimates conservative and safe. Since the water supply is such a vital element in the problem, the board has inquired into the subject as thoroughly as the limited time would permit.

The estimates of flow on which this project has been predicated are the measurements of the flow of the river made at Yuma continuously since 1902. The methods used in gauging at Yuma were those common at the time the measurements were begun, and while improved methods of gauging were adopted at other gauging stations, these old methods were continued in use at Yuma until 1918, and with little improvement until 1926.

To determine the flow in the Colorado River above Laguna Dam, there was subtracted from the Yuma gaugings the estimated flow of the Gila River which joins the Colorado between Yuma and the dam. The flows of the Gila are based on information of very doubtful value and can be considered as little better than fair guesses—whether too large or too small can not be determined. To the reduced flow as arrived at above, the flow through the Yuma Canal was next added, to get the gross flow above Laguna Dam. The measurements of flow of the Yuma Canal are approximately correct.

However, predicated upon the estimates thus made—obviously, not entirely accurate and dependable—the commission reached the following conclusions respecting the flow of the river at Black Canyon, the point at which it is proposed to construct the dam:

The records of past performance of the Colorado River and of such other streams in this vicinity as seem pertinent, furnish no basis for an exact estimate of long-past flows in the Colorado River. There is naturally considerable leeway in the interpretation of these data, and estimates based thereon may differ materially. The board, however, realizes that in determining the economic feasibility of this project its estimates should be on the safe side and it has consequently adopted the following figures for the flows at Black Canyon without further depletion:

	Acre-feet
Average low flow for a period of 15–20 years.....	10,000,000
Average high flow for a similar period.....	14,500,000
Average of high and low periods.....	12,250,000

It is estimated that the present flow is depleted by water taken for irrigation in the upper basin by approximately 2,750,000 acre-feet, which amount if added to the above-estimated average flow would increase it to about 15,000,000 acre-feet. This is the amount apportioned by the 7-State compact for division at Lees Ferry.

In the interest of emphasis, I direct the attention of the Senate to the fact that this commission estimates that the average annual flow of the Colorado River at Lees Ferry during the past 15 or 20 years is 15,000,000 acre-feet per annum, the exact amount apportioned and allocated under the terms of the Colorado River compact.

I desire to emphasize the fact that the measurements upon which the above conclusions were predicated were taken at Yuma, a point far below the Black Canyon site, with nothing more than estimates regarding the loss by seepage, evaporation,

and otherwise in the reaches of the river below Black Canyon and above Yuma. This uncertain factor was clearly suggested in the report made by Water Supply Paper 556 of the Geological Survey, of which report E. C. La Rue, a recognized authority of note upon such subjects, is the author. In it he said:

Estimates of the water supply available in this section of the river must be based on stream-flow records obtained in the upper basin or the record of discharge obtained by the Bureau of Reclamation at Yuma, Ariz. The short-time records obtained at Lees Ferry and Bright Angel have proved very useful in connection with the work of estimating the inflow to the river in the canyon section.

The Yuma record is continuous from the year 1902, the date of the beginning of construction on the Yuma project of the Bureau of Reclamation. The chief difficulty in applying this record to the canyon section lies in the fact that there is a large and variable loss of water by evaporation from the stream channel, especially from the overflowed lands in the valleys between Yuma and Pierces Ferry. These lands are submerged and saturated by the annual summer floods. The area thus flooded varies from year to year, and the considerable amount of water passing into the dry, heated desert air by evaporation and transpiration from the rank growth of vegetation also varies. It is impossible to estimate accurately the amount of water thus lost. A more accurate estimate of the water supply for the canyon section can be obtained from the records of the flow of the main stream and its tributaries in the upper basin.

The lowest gauging station on the Colorado above the Green at which a continuous record has been obtained is that at Fruita, Colo. This station, however, is above the mouth of Dolores River. Stations have been maintained for periods of a few years near Cisco and Moab, all the run-off from the basin of the Colorado above the mouth of Green River. The records at Cisco and Moab, extended by comparison with the continuous record at Fruita, have therefore been used to represent the discharge of Colorado River above Green River from 1911 to 1923. This record is presented in column 3, Table 2.

Green River has been measured continuously at Little Valley, near Green River, Utah, from 1910 to 1923. San Rafael River, which is the only considerable tributary of the Green below Little Valley, has been measured near its mouth from 1909 to 1918, and stations were being maintained in its upper basin in 1923. By comparing the record of discharge of the San Rafael at its mouth with the sum of the records of its three largest tributaries—Huntington, Cottonwood, and Ferron Creeks—the figures for the San Rafael have been extended through the years 1919 to 1923.

Mr. President, I call attention to the fact that the estimates made by the commission are based upon the measurements taken at Yuma, far below the canyon region, and I emphasize what was said by Mr. La Rue, that the chief difficulty in applying that record to the canyon section lies in the fact that there is a large and variable loss of water by evaporation from the stream channel, especially from the overflowed lands in the valleys between Yuma and Pierces Ferry. These lands are submerged and saturated by the annual summer floods. The area thus flooded varies from year to year, and the considerable amount of water passing into the dry, heated desert air by evaporation and transpiration from the rank growth of vegetation also varies. It is impossible to estimate accurately the amount of water thus lost; but, even allowing for that factor of uncertainty, the commission agreed that the mean annual flow of the river at the Black Canyon site is 15,000,000 acre-feet, less 2,750,000 acre-feet that is now used for irrigation in the upper basin States. Without the deduction, the mean flow is 15,000,000 acre-feet, the exact amount that is allocated under the Colorado River compact, allotting 7,500,000 acre-feet to the upper basin States, and requiring the upper basin States to let 75,000,000 acre-feet pass at Lees Ferry during a period of 10 years, or an average of 7,500,000 acre-feet per annum.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator from Utah.

Mr. KING. My understanding of the report of the commission is that an allowance was made of 1,200,000 acre-feet for evaporation, seepage, and otherwise, between Black Canyon and Laguna Dam, and that would probably measure the loss to which the Senator has referred by reason of the sandy condition at the point he referred to; and the commission have taken into account this 1,200,000 acre-feet, and have deducted that from the aggregate, and then have found the amount of water in the river at considerably less than that stated by the Senator.

Mr. BRATTON. But the point I make, Mr. President, is that the conclusions reached by the commission are based upon estimates rather than exact measurements actually made above Lee Ferry, whereas the figures furnished by Mr. La Rue, to which I shall address myself presently, account for substantially more water than the commission estimated; and I propose to show that his figures are more dependable. That is the point I now have in mind. If the Senator will bear with me, I shall give the La Rue



figures, and undertake to show that they are more dependable than are the figures of the commission.

Mr. KING. I hope the Senator will comment upon the findings of the commission based upon computations between the years 1887 and 1904, when, according to certain figures which they submit, the estimated average flow was 10,420,000 acre-feet, which, reduced by reason of the inaccurate measurements at Yuma, would bring the total to 9,360,000 acre-feet.

Mr. BRATTON. The Senator from Utah will keep in mind that the commission based its conclusions upon the measurements taken at Yuma, far below Lees Ferry, and that conditions obtain in the intervening section that make it impossible to determine accurately except by actual measurements taken above that point the amount of water that passes Lees Ferry.

Mr. McKELLAR. Mr. President, may I ask the Senator why the commission did not make its examination at Lees Ferry, but made it away down the river at Yuma? Was any explanation ever offered as to why it did so?

Mr. BRATTON. No. I will read from the report. I read it a while ago. Perhaps the Senator was out of the Chamber.

Mr. McKELLAR. I was not in the Chamber. I was in the Committee on Appropriations.

Mr. BRATTON. The commission said this:

The flow of the Colorado River is one of the fundamental factors on which the success of this project depends. On the stream flow depends the amount of land that can be irrigated and the amount of power than can be generated. The information on which this flow has been estimated is inadequate to furnish an accurate or sound estimate on which to base an important project without using factors of safety sufficiently great to make such estimates conservative and safe. Since the water supply is such a vital element in the problem, the board has inquired into the subject as thoroughly as the limited time would permit.

The estimates of flow on which this project has been predicated are the measurements of the flow of the river made at Yuma continuously since 1902. The methods used in gauging at Yuma were those common at the time the measurements were begun, and while improved methods of gauging were adopted at other gauging stations, these old methods were continued in use at Yuma until 1918, and with little improvement until 1926.

To determine the flow in the Colorado River above Laguna Dam, there was subtracted from the Yuma gaugings the estimated flow of the Gila River, which joins the Colorado between Yuma and the dam. The flows of the Gila are based on information of very doubtful value and can be considered as little better than fair guesses—whether too large or too small can not be determined. To the reduced flow as arrived at above, the flow through the Yuma Canal was next added to get the gross flow above Laguna Dam. The measurements of flow of the Yuma Canal are approximately correct.

In that connection I desire to reread, for the information of the Senator from Tennessee, what was said by Mr. La Rue, a recognized authority on such matters, in what is called Water Supply Paper 556, of the Geological Survey. He said this:

Estimates of the water supply available in this section of the river—

Referring to the canyon section—

must be based on stream-flow records obtained in the upper basin or the record of discharge obtained by the Bureau of Reclamation at Yuma, Ariz.

The latter being the record relied on by the commission. He continued:

The short-time records obtained at Lees Ferry and Bright Angel have proved very useful in connection with the work of estimating the inflow to the river in the canyon section.

The Yuma record is continuous from the year 1902, the date of the beginning of construction on the Yuma project of the Bureau of Reclamation. The chief difficulty in applying this record to the canyon section lies in the fact that there is a large and variable loss of water by evaporation from the stream channel, especially from the overflowed lands in the valleys between Yuma and Pierces Ferry. These lands are submerged and saturated by the annual summer floods. The area thus flooded varies from year to year, and the considerable amount of water passing into the dry, heated desert air by evaporation and transpiration from the rank growth of vegetation also varies. It is impossible to estimate accurately the amount of water thus lost. A more accurate estimate of the water supply for the canyon section can be obtained from the records of the flow of the main stream and its tributaries in the upper basin.

I shall now give the Senator the figures obtained by Mr. La Rue, taken from gaugings made in the upper reaches of the river—that is, above Lees Ferry.

Mr. KING. Before the Senator proceeds to that, if he will pardon me, it seems to me that neither Mr. La Rue nor the com-

mission has taken into account the accretions to the stream between Lees Ferry and Yuma. The Senator knows that the Virgin River, flowing through Utah and Nevada, furnishes a considerable amount of water, which is a tributary to the Colorado, and which enters the Colorado just above the proposed site of the Boulder Dam.

Mr. BRATTON. The Senator will keep in mind that the point at which the upper basin States must furnish water to the lower basin States is Lees Ferry. Therefore it is important to determine the volume of water that passes Lees Ferry during an average year, or the mean flow. What occurs in the lower reaches of the river, or at any point below Lees Ferry, is a loss which the lower basin States must bear by reason of natural conditions. So it is important to determine what the mean flow of the river is at Lees Ferry.

Mr. KING. Mr. President, I appreciate that fact; but the point I was making was that the commission, in determining the flow at Yuma, apparently have failed to take into account the additions to the stream from the Virgin River and other sources.

Mr. BRATTON. Probably so.

Mr. KING. They have allowed a variation of 1,200,000 because of evaporation, seepage, and what not, and have failed to take into account the additions from the sources to which I have referred.

Mr. BRATTON. That may be true.

Mr. KING. So that the flow at Yuma would be greater by reason of these additions than if there were no additions from these sources.

Mr. BRATTON. Turning, now, to the figures furnished at the gauging stations in the upper basin—that is, those above Black Canyon, as shown by the so-called La Rue report—it is reflected that the mean flow of the river at Lees Ferry from 1895 to 1922, both inclusive, was 15,200,000 acre-feet per annum.

Mr. McKELLAR. How does that compare with the flow at Yuma?

Mr. BRATTON. Does the Senator inquire about the flow at Yuma or the flow at Lees Ferry, according to the report of the commission?

Mr. McKELLAR. I want to know how they compare, both at Yuma and Lees Ferry, according to the report of the commission.

Mr. BRATTON. I do not have the data as to the flow at Yuma. I can give the Senator the commission's figures as to Lees Ferry.

Mr. McKELLAR. How do they compare?

Mr. BRATTON. The average low flow for a period of 15 to 20 years was 10,000,000 acre-feet. The average high flow for a similar period was 14,500,000 acre-feet. The average high and low for the period was 12,200,000 acre-feet. The commission then estimated that the present flow is depleted by water taken for irrigation in the upper basin by approximately 2,750,000 acre-feet, which amount, if added to the estimated average mean flow, would increase it to about 15,000,000 acre-feet. This is the amount apportioned by the compact for division at Lees Ferry.

Mr. McKELLAR. There is a very great difference between the figures.

Mr. BRATTON. Yes. Now, turning again to the figures furnished at the gaging stations in the upper basin; that is to say, Black Canyon, as shown by the so-called La Rue report, it is reflected that the mean flow of the river at Lees Ferry from 1895 to 1922, both inclusive, was 15,200,000 acre-feet per annum; also, that the mean flow at said point from 1911 and 1923, both inclusive, was 16,000,230 acre-feet per annum.

These figures seem to be reasonably accurate. They are based upon actual measurements taken above Lees Ferry. The losses from evaporation and seepage in that area are negligible. They are not comparable with those occurring below Bulls Head dam site and above Yuma. But, even considering solely the estimates made by the commission, there seems to be enough water to satisfy the allocations made by the compact.

It is estimated that the average high and low flow periods covering 15 to 20 years past is 12,250,000 acre-feet per annum. To this should be added approximately 2,750,000 acre-feet, being the quantity now in use for irrigation in the upper basin. We have 15,000,000 acre-feet, the exact amount divided and allocated by the compact.

It must be apparent that a vast quantity of water is furnished by the river system; that it constitutes a grave menace to life and property; that it contains wonderful potentialities for consumptive use for irrigation, development of power, and potable purposes; that the title to it should be set at rest in the quickest and most satisfactory manner, and that this is through ratification of the compact; and that the Government should act with diligence and dispatch in controlling and stabil-

izing the flow of the river in the protection of life and property. All of this will be promoted through the passage of the pending bill.

Before departing from the subject of ratification, the bill as reported from the committee provides for construction of the dam as and when six of the States have ratified. The pending amendment advanced by the Senator from Arizona provides that nothing shall be done until all seven of the States have ratified. It is my belief that a middle-ground position is preferable to either provision. I think the bill should provide that nothing shall be done under its terms until all seven of the States have ratified, provided that is done within a prescribed period. I suggest one year as a reasonable time, and that thereafter the dam should be constructed and the other provisions effectuated as and when six States have ratified. I think, however, that if we proceed upon a 6-State ratification basis, California should be required to provide in her act of ratification that she irrevocably disclaims any and all interest in and to the water of the river in excess of a prescribed amount, to be fixed at some figure between 4,200,000 and 4,600,000 acre-feet per annum; also that she renounce any claim to more than one-half of the surplus waters belonging to the lower basin. This will give to California the just and fair share of the water to which she is rightly entitled, and also will protect the other States against any encroachment or diminution of their heritage.

These observations are made by one who entertains the most cordial feeling toward both Arizona and California. These two States have been unable to compose their differences in the past. It is much to be desired that they do so without further delay. If they can not do so, it seems to me to be the plain duty of the Senate, as one branch of the Congress charged with the duty of legislating in the premises, to formulate and pass a measure which we think is equitable and fair to both States and which will best discharge the duty resting upon the Government.

Mr. President, I presented and had printed last Saturday an amendment carrying out the observations just expressed, and providing that we shall proceed only upon the basis of a 7-State ratification if that can be obtained within one year after the passage of this bill, and upon a 6-State basis thereafter, with the provision that in her act of ratification the State of California should limit herself to 4,400,000 acre-feet annually of the allocated water and one-half of the surplus waters of the lower basin. In that connection the senior Senator from Colorado [Mr. PHIPPS] previously had introduced and had printed a similar amendment, fixing the maximum at 4,600,000 acre-feet. Otherwise the two amendments are quite similar.

As I understand, California holds to the belief that 4,600,000 acre-feet is an irreducible minimum. Arizona contends that a maximum of 4,200,000 acre-feet is the largest that she will consider. Personally, I am not wedded to either figure. The thing that is uppermost in my mind is to do equity and justice as nearly as can be done toward both States, and, at the same time, pass a bill that will be effectuated, and will secure the results which we all desire.

I think we should adopt that course. The two States have exchanged views, they have negotiated, they have endeavored to reach an agreement, and until now have been unable to do so. This controversy does not affect those two States alone. It affects other States in the Union and the Government as well.

Without undertaking to express my views either way upon the subject, I do think that if the two States are unable to agree upon a figure then that we, as a disinterested and friendly agency, should pass a bill which, according to our combined judgment, will justly and equitably settle the controversy. I suggested 4,400,000 acre-feet with that in view. I still hold to the belief that somewhere between the two figures we must fix the amount, and that this difference of 400,000 acre-feet should not be allowed to bar and preclude the passage of this important measure dealing with the enormous quantity of 15,000,000 acre-feet of water and involving seven States as well as the Government.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. I will ask the Senator if it is not a fact that at the time when the governors' conference considered the matter and recommended a settlement upon a basis of 4,200,000 acre-feet to California there had not been fully discussed and fully appreciated the fact that there was probably a million acre-feet subject to capture which, under the compact, was allocated to Arizona and to California, so that if 4,200,000 acre-feet were awarded out of the 7,500,000 there would be an additional

500,000 acre-feet out of this 1,000,000 acre-feet which, under the compact, was to be allocated to the two States, so California in the aggregate would get 4,700,000 acre-feet?

Mr. BRATTON. That is true if the estimated surplus actually exists. At the same time, Arizona would get her 3,000,000 acre-feet agreed to by the governors as her just share of the allocated water, plus 500,000 acre-feet, being one-half of the unallocated surplus, so that while California would get 4,700,000 acre-feet Arizona would get 3,500,000 acre-feet. The surplus to which the Senator from Utah refers would be equally divided between Arizona and California. Neither State would get an advantage by reason of the division of the surplus.

So much, Mr. President, in regard to the technique of the compact, the urge for its ratification, and the beneficial results which will emanate from ratification. I turn now to the economic features of the bill. This phase of the situation has been discussed upon so frequently and completely that any discussion at length by me would be utterly superfluous. Treating the matter briefly, it is well known that the Department of the Interior estimated that the entire development, including the construction of the dam, power plant, and all-American canal, will cost \$125,000,000. This sum is composed of the following items:

Reservoir (26,000,000 acre-feet capacity).....	\$41,500,000
Power plant (1,000,000-horsepower capacity).....	31,500,000
All-American canal.....	31,000,000
Interest during construction, 5 years, 4 per cent.....	21,000,000
<b>Total.....</b>	<b>125,000,000</b>

It was the further estimate of the department that the gross annual returns from the completed project will be \$12,300,000, composed of the following items:

Sale of 3,600,000 kilowatt-hours, at three-tenths cent.....	\$10,800,000
Storage and sale of water for irrigation and domestic use.....	1,500,000
<b>Total.....</b>	<b>12,300,000</b>

and that the annual charges for operation will be \$6,200,000 annually, as follows:

Operation and maintenance of storage and power.....	\$700,000
Operation and maintenance of all-American canal.....	500,000
Interest on \$125,000,000, at 4 per cent.....	5,000,000
<b>Total.....</b>	<b>6,200,000</b>

So that after deducting the operating expense from the gross income, the net annual returns on the project, according to the estimate of the department, would be \$6,100,000. This would be sufficient to amortize the development on the basis of 25 years.

The commission determined that, in the interest of safety, the dam, spillway, and diversion facilities should be larger, and that the all-American canal should be lined with concrete. With these changes, the commission estimated that the cost of the entire project will be \$165,000,000 without the canal to the Coachella Valley included. The total sum thus fixed was arrived at as follows:

Dam and reservoir (26,000,000 acre-feet capacity).....	\$70,600,000
Power plant (1,000,000-horsepower capacity).....	38,200,000
All-American canal.....	38,500,000
Interest during construction, estimated at 7 years.....	17,700,000
<b>Total.....</b>	<b>165,000,000</b>

In considering these figures, it must be kept in mind that the commission based their estimates upon the House bill which included the cost of the all-American canal as one part of the project on the same basis as the other parts thereof, both as to cost and repayment of the investment.

In considering the rapidity with which the money so invested will be repaid and the burden to be borne by the revenue from the power, the cost of the canal, with the interest charge thereon, must be eliminated because under the Senate bill that charge is to be made and repaid in accordance with the reclamation law, which means that it must be repaid by the lands benefited. So the actual cost of the canal with interest thereon at 4 per cent for seven years, that being the estimated period of construction, should be deducted. The original cost is fixed at \$38,500,000. The interest is \$10,780,000. These two sums aggregate \$49,280,000. After making this deduction from the estimated cost of the project—\$165,000,000—the balance remaining is \$115,720,000. This is the amount to be repaid out of the revenues derived from the sale of power. The commission does not question the correctness of the estimates made by the Department of the Interior with respect to the income to be derived from the sale of the power. This has been fixed at \$10,800,000 and no dispute about it has been raised by anyone so far as I know. Neither has anyone questioned the estimate of the department with regard to the cost of operating the power plant, which has been fixed at \$700,000 annually. The annual interest at 4 per cent on the cost of the dam and power plant is \$4,352,000. This interest and cost of operation



aggregate \$5,052,000. This deducted from the annual gross income from power—\$10,800,000—leaves a net balance of \$5,748,000. This sum will amortize the investment within about 25 years.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. I think the Senator did not mean that the commission attributed the income solely to power. My recollection is that the commission reported that there would be \$1,500,000 at least as the result of the income derived from it. Certainly it is not intended that Los Angeles or the coastal cities, or anybody else for that matter, shall have the benefit of the storage water without paying for it.

Mr. BRATTON. That perhaps is true, but it would merely lower the burden of the revenue to be derived from power and would shorten the period of amortization rather than otherwise.

Mr. KING. Obviously; but the Senator does not intend to convey the idea, does he, that the only revenue shall be from power?

Mr. BRATTON. No. Confining the discussion to power alone, I am undertaking to show that the plan is feasible because the power sold at the rate of three-tenths of 1 cent per kilowatt-hour will amortize the investment within 25 years. When we consider the income which may reasonably be expected from storage and sale of water, the revenue will be increased and the period of amortization decreased, thus making the plan more feasible from the standpoint of the Government.

Mr. KING. I hope the Senator, before he concludes, will call attention to this statement by the commission:

It is obvious that the power which can be generated from Boulder Dam is a valuable resource. If the income from storage can be reasonably increased and the capital investment reduced by the cost of the all-American canal, together with a reduction for all or a part of the cost properly chargeable to flood protection, it would be possible to amortize the remaining cost with the income from power.

Mr. BRATTON. If the canal to the Coachella Valley is constructed, the total cost of the entire project must be increased \$11,000,000, that is to say from \$165,000,000 to \$176,000,000, but this will not be a burden upon the power because that money will be repaid in the same manner as the cost of the all-American canal and therefore will not affect the amortization of the cost of the dam and power plant. When the sale price of the electric energy, namely, 3 mills per kilowatt-hour, is kept in mind and that the plan will thus amortize itself in about 25 years, it seems to me that the feasibility of the project should give little anxiety to any of us.

Mr. President, my attention was called to-day to an article appearing in the Washington Herald. It was written by Mr. Joseph Timmons and contained some comments made by Mr. E. E. Weymouth, a distinguished engineer, who directed the investigation of the Bureau of Reclamation into the Boulder Dam project. This appeared in this morning's issue of the paper referred to. On account of Mr. Weymouth's reputation and the direct applicability of his comments to the report made by the commission, I ask that the article be inserted in the RECORD at this juncture.

The PRESIDING OFFICER (Mr. SHORTEIDGE in the chair). Without objection, it is so ordered.

The article is as follows:

[From the Washington Herald, December 10, 1928]

SIBERT REPORT FIGURES HIGH, EXPERT AVERS—BOARD FAILS TO SUPPLY FACTS ON WHICH IT BASES PROBABLE COST, ENGINEER SAYS

By Joseph Timmons

F. E. Weymouth, distinguished engineer who directed while in the Government service, the planning of Boulder Dam, gave out yesterday a critical analysis of the report on that project made a week ago by the Board of Engineers headed by Maj. Gen. William L. Sibert.

Pointing out with satisfaction that the Sibert board selects the Black Canyon site as the best, as he himself did four years ago, and declaring a 550-foot dam can be built there safely, with no earthquake menace existing, Weymouth took sharp issue, however, with the board's recommendations of charges and increases of cost estimates.

#### LEANING BACKWARD

"This board has leaned over backward in its ultraconservatism in reference to a pressure in the proposed dam," declared Weymouth.

Continuing, Mr. Weymouth pointed out that in showing this same ultraconservatism in cost estimates, the board protected itself by not supplying any of the facts and figures on which it based its cost increase except in those instances in which the board recommended changes in plans.

For instance, the board added \$6,700,000 to the cost estimate for the great power plant, without the slightest indication why. It admits that job is simple, without any difficulties.

In the same way, about \$15,000,000 is added to probable cost of the dam for which no explanation is given. The board has access to all of Weymouth's data; no one has access to the data which supports the board's opinions as to large costs.

"The board has approved the site and has asserted that a high dam can be built in Black Canyon that will be safe," commented Weymouth. "The only effect of the report otherwise has been to raise the estimate of cost."

#### NOT TO AFFECT COST

"Fortunately the board's estimate will not in any way affect the actual cost when the dam is built."

"Some of the ablest, best equipped, most experienced, and responsible dam contractors have stated that they are willing to build the dam within the estimate contained in the Weymouth report, and in less than the estimated time."

This reference points especially to Lynn Atkinson, builder of the new Coolidge Dam in Arizona, who has wired to Senator Johnson that he will furnish bond to do so. His message does not cover changes that would add about \$15,000,000 to the cost, but it does apply to Weymouth's plans and estimates, to which the board has added about that much more without any explanation.

"Why does the Sibert board think the power plant will cost \$38,200,000 instead of \$31,500,000? Why does it with a stroke of the pen add \$15,000,000 to the cost of the dam? No one knows; probably no one ever will know."

"Fortunately that opinion will not affect the actual cost when the dam is built," was Weymouth's caustic comment.

As to the board's adding \$7,500,000 to the cost of the all-American canal, to carry out its recommendation for lining with concrete the section of the canal through the sand dunes, Weymouth said he sticks to his official declaration that to line that section with concrete will not increase its cost. A much smaller canal, with much sharper fall, is made possible by that plan, saving as much in excavation cost as the concreting will add.

#### NOW IN WASHINGTON

Mr. Weymouth was chief engineer of the Bureau of Reclamation when plans for Boulder Dam were embodied in the famous "Weymouth report." He is now engineer in Mexico for the White Engineering Co., planning and building irrigation dams. He is at present in Washington.

Mr. BRATTON. Mr. President, I shall not enter upon a more prolix discussion of this feature of the subject. I have endeavored to analyze as concisely and clearly as possible.

Mr. President, it is my personal belief that a system should be devised and written into legislation providing that the Government shall construct and operate the power plant and give to States and subdivisions thereof preference right to purchase the power directly from the Government at the switchboard without toll or tribute to any intervening agency. This would not be putting the Government in business in the ordinary and accepted sense of the term. The primary purpose of the development is flood control. That can be accomplished only through storing the water. The generation and sale of electric energy is merely an incident to the primary object sought to be accomplished.

But I construe the message of the President delivered last week to mean that such a measure would not meet with his approval. Also, according to the declarations of the President elect, he, too, would look with disfavor upon such a plan. This simply means that no law can be enacted during the next several years which fails to embrace an alternative plan; that is, one for Government operation and the other by private interests under lease or contract, leaving the exercise of the alternative to the Secretary of the Interior. The present proposed act contains such a plan and leaves it with the Secretary of the Interior to determine which shall be adopted. All of this means that we shall have an act of this kind or none during several years in the immediate future. I hope it is definitely understood that no legislation would be decidedly inimical to the welfare and best interests of all the States affected, and so I shall yield my desires in the interest of the passage of the very best measure that is possibly obtainable under the circumstances.

Mr. President, in conclusion, I address myself to another contention that has been advanced. It has been strenuously urged by some that, under the terms of the proposed legislation, the rights of Arizona and Nevada, particularly Arizona, are being disregarded. It will be remembered that the dam is to be located at a point where the river forms a boundary line between said States. The advocates of this theory urge that the power site is the common property of the two States and that they should have the right to tax or otherwise receive tribute from the pro-

posed development for power purposes. Personally, I am unable to share this view. The Government has the indisputable power to control the river in aid of navigation. It may take all needful steps in that behalf. That power is expressly granted in the Constitution. It was granted by the several States. Hence, if the proposed development contemplated merely a dam for the purpose of storing water and thereby stabilizing the flow of the river, there doubtless would be no argument with respect to the Government acting within its scope of authority. At the expense of repetition, allow me to say that it appears from the face of the bill that this is the primary object of the legislation. The generation of power is an incident thereto. I think it is the uniform holding of the courts that so long as a governmental agency acts within the scope of its power as to the primary objects of an undertaking or function, all things incident thereto in carrying the function to its full fruition may legally be done. Accordingly, the generation of power being an incident to the exercise of a legitimate function, namely, flood control in aid of navigation, it seems to me that the Government is not transgressing upon the rights of the State. On the contrary, if the States were permitted to interfere, such action would constitute a limitation upon the exercise of a constitutional prerogative of the Federal Government. I shall not undertake to discuss this phase of the matter further at this time. I may address myself to it later in the course of the debate.

Mr. PHIPPS. Mr. President, in checking up prints of the Hayden amendment and the amendment offered by myself to-day as an amendment to, or as a substitute for the Hayden amendment, I find on account of the fact that reprints have been made of the bill, that, in the case of both amendments, the language stricken out has been improperly stated. In other words, both amendments should read, on page 4, to strike out all of lines 22 to 25, inclusive, and on page 5 to strike out lines 1 to 14, inclusive, instead of the form in which the amendments are printed as they now read, namely, on page 5, strike out all of lines 1 to 18, inclusive. So far as the amendment offered by myself is concerned, I ask that the record be changed so as to give the proper point at which the proposed new language should be inserted.

The PRESIDING OFFICER (Mr. Fess in the chair). Has the Senator from Colorado the amendment in corrected form?

Mr. PHIPPS. I have.

The PRESIDING OFFICER. The Senator will please send the amendment to the desk and the correction will be made.

The question is on the amendment now offered by the Senator from Colorado [Mr. PHIPPS] to the amendment of the Senator from Arizona [Mr. HAYDEN].

Mr. PHIPPS. Mr. President, so far as I have been able to ascertain, none of the Senators who have been interested in this discussion care to make any general remarks regarding the bill at this time. It seems to me we have had this topic up for such a length of time that we should begin voting on the amendments. Therefore I should be pleased to have a vote on the pending amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado to the amendment of the Senator from Arizona.

Mr. KING. Mr. President, let the amendment to the amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The LEGISLATIVE CLERK. On page 4 it is proposed to strike out all of lines 22 to 25, inclusive, and on page 5 to strike out lines 1 to 14, inclusive, and to insert in lieu thereof the following:

SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared, or (2) if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree with the United States and for the benefit of the State of Arizona, Colorado, Nevada, New Mexico, Utah, and Wy-

oming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet of the waters apportioned to the lower basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

On page 6, strike out line 25, and on page 7, lines 1 to 8, inclusive, and insert in lieu thereof the following: "permanent service and shall conform to paragraph (a) of section 4 of this act. No person shall."

On page 12, after line 14, add the following paragraph to section 6:

"The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein."

Mr. HAYDEN. Mr. President, what the Senator from Colorado has stated is correct respecting the improper references in my amendment to the pages and lines of the substitute for the House bill now pending before the Senate. It will, therefore, be necessary for me likewise to make a correction in the amendment which I have offered. I shall do that at an early opportunity.

As I understand the situation, the Senator from Colorado offers his amendment as a substitute for the amendment which I have offered.

Mr. PHIPPS. As an amendment or a substitute, which is practically the same thing under the ruling at the time of the agreement which was made.

Mr. HAYDEN. There will be a vote on his proposal before there will be a vote upon my own?

The PRESIDING OFFICER. The Senator is correct.

Mr. HAYDEN. Under the circumstances I should like to inquire of the Senator from Colorado how he arrives at the figure 4,600,000 acre-feet of water instead of 4,200,000 acre-feet as proposed in my amendment?

Mr. PHIPPS. It was just about as difficult for me to arrive at 4,600,000 acre-feet as it would have been to arrive at 4,200,000 acre-feet. The arguments pro and con have been debated in the committee for quite a period of time. The contentions made by the Senators from Arizona have not been conclusive to my mind. For instance, I will refer to the fact that Arizona desires to eliminate entirely all waters arising in the watershed and flowing out of the Gila River.

Mr. HAYDEN. There is nothing of that kind in the Senator's amendment.

Mr. PHIPPS. There is nothing of that kind in the Senator's amendment, but that has been one of the arguments advanced by California as being an offset to the amount to which Arizona would try to limit California.

Mr. HAYDEN. If the Senator thought there was force in that argument, I should think that he would have included in his amendment a provision eliminating the waters of the Gila River and its tributaries, as my amendment does.

Mr. PHIPPS. I do not consider it necessary because the bill itself, not only the present substitute measure but every other bill on the subject, ties this question up with the Colorado River compact.

Mr. HAYDEN. My amendment does that.

Mr. PHIPPS. Yes; that is true, but under estimates of engineers—one I happen to recall being made, I think, by Mr. La Rue—notwithstanding all of the purposes to which water of the Gila may be put by the State of Arizona, at least 1,000,000 acre-feet will return to the main stream. Yet Arizona contends that that water is not available to California; whereas to-day and for years past at least some of the waters from the Gila River have come into the canal which is now supplying the Imperial Valley.

It is not a definite fixed fact that with the enactment of this proposed legislation the all-American canal is going to be built within the period of seven years; as a matter of fact, it may not be built at all; we do not know as to that. But I do not think that the water from the Gila River, one of the main tributaries of the Colorado, should be eliminated from consideration. I think that California is entitled to have that counted in as being a part of the basic supply of water.

Mr. HAYDEN. I will state to the Senator that the primary reason why the Colorado River compact was not approved by the State of Arizona was that the Gila River and its tributaries were included in the Colorado River Basin. The people of Arizona felt—and justly so—that they had appropriated and put to beneficial use all of the waters of that stream, and that by



remaining out of the compact under no circumstances could the waters of that stream be burdened with furnishing any water to Old Mexico, while by entering the compact they would assume a liability that does not at the present moment exist. Such being the case, since the Gila River is the very lifeblood of our State and the great majority of the people of Arizona live within its drainage, they felt that they were asked to do more than they should be required to do in approving that interstate agreement.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I do.

Mr. PITTMAN. I think it is true, as stated by the Senator from Colorado, that Mr. La Rue has estimated that even after all of the water of the Gila that may be put to beneficial use by every means, even including pumping, is taken out, the return flow will still supply 1,000,000 acre-feet at the mouth of that river where it flows into the Colorado.

Mr. HAYDEN. No; the Senator from Nevada is mistaken. If the Senator will examine Mr. La Rue's report, he will find this to be the fact: That if three or more million acre-feet of water were diverted out of the main stream of the Colorado River and conveyed into the lower Gila Valley, and there used for irrigation, after a water table was established in irrigating some 800,000 acres of land, the return flow from that land would provide a very substantial amount of water for Mexico, because it could be used at no other place. Originally, however, that water must be diverted from the main Colorado River, diverted out of the Colorado River for irrigation of lands in the Gila Valley, and would not represent but little, if any, water from the watershed of the Gila River in Arizona.

Mr. PITTMAN. Does the Senator know what he figured the present return flow is to the Colorado from the Gila?

Mr. HAYDEN. The figures that Mr. La Rue used must have been derived from the record of stream measurements made by the United States Geological Survey. Over a long period of years the Geological Survey records will show an average run-off into the Colorado River of somewhere in the vicinity of a million acre-feet. That record goes back over a long period of years. The record will show a continual diminution of the run-off, first, because of the construction of the Roosevelt Dam; second, other uses for irrigation in the drainage area of the Gila; and, more recently, the construction of the Coolidge Dam. So that as reservoirs are constructed on the Gila and its tributaries, the quantity of water that will run out of that stream into the Colorado River will be reduced. The only way in which the water discharged from the mouth of the Gila River can be increased is by diverting water from the Colorado as proposed in the plan of irrigation which the State of Arizona has recommended, using that water to irrigate lands in the lower Gila Valley.

Mr. PITTMAN. I think I understand the Senator.

Mr. HAYDEN. Let the Senator thoroughly understand that so far as the State of Arizona is concerned, it lays no claim to and seeks no exemption from any and all return waters that pass out of the mouth of the Gila into the Colorado. That is exactly what I am sure is going to happen in the delta of the Colorado River just as it did happen on the Rio Grande. The Senator will remember the controversy between the United States of America and the United States of Mexico with respect to water for certain lands in the vicinity of El Paso, Tex. I can state the nature of that controversy very briefly.

In President Cleveland's administration the Government of Mexico submitted a claim for many millions of dollars damages because the flow of the Rio Grande had been so diminished by use within the United States that certain lands in Mexico had been deprived of their water supply. Judson Harmon was then the Attorney General of the United States. Mr. Harmon rendered an opinion to the effect that the United States was under no obligation to furnish any water to Mexico, and therefore that there was no basis for the claim. Then Congress passed the reclamation act of 1902, and under that act the Federal Government built the Elephant Butte Dam. When the time came to construct that dam a treaty was negotiated with Mexico, stating that whereas certain lands in Mexico needed a supply of water, the United States would impound in the Elephant Butte Reservoir a sufficient quantity of water to irrigate those lands upon condition that Mexico, in the treaty, would recognize that the American Government did it as an act of grace and comity, that our Government was under no obligation to furnish any water, and that the treaty would not be a precedent for any other treaty.

The treaty was ratified. The water was impounded. Water from that dam was further used to irrigate lands in the United States in the Rio Grande Valley; and what happened? The

lands were irrigated and became waterlogged. To-day, from the drainage and return waters from the El Paso-Elephant Butte project in New Mexico and Texas, there is more water going into Old Mexico than the United States is required to deliver under the treaty, so that no water need be furnished to Mexico directly from the Elephant Butte Dam. They are not only irrigating all the land that was once irrigated in Mexico, but they are irrigating new and additional areas in that country. On top of that, from the return waters they are irrigating additional lands below El Paso on the American side of the river in Texas.

What happened on the Rio Grande will happen on the Colorado River. Every acre of land that is irrigated in the United States above the mouth of the Gila will serve as an underground reservoir for water, and the return flow from all such lands will be available to Mexico. Nobody objects to that after the United States has first made use of the water.

Mr. ASHURST. And we could not prevent Mexico from getting it if we wanted to.

Mr. HAYDEN. Nothing could prevent the return and drainage water from passing into Mexico.

But there is another side of the story. What I have stated is true of every acre irrigated in Colorado, Wyoming, New Mexico, Utah, Nevada, or Arizona, because in each case when the water is applied to the land some part of it can return to the stream, and ultimately go down to Mexico. In the Imperial Valley, however, there is no chance there for any return flow. There you are at the bottom of the bowl, with the result that from a broad national point of view it is uneconomic to irrigate lands in the Imperial Valley.

An acre-foot of water used in Colorado will probably return 50 per cent to the stream. An acre-foot of water used in Arizona will return at least 25 per cent to the stream for additional use; but an acre-foot of water diverted for use in the Imperial Valley is gone forever. There is no place where any part of it can be used again. Therefore, when the Californians appear before the Congress of the United States they set up not the highest use of water, not the most economic advantage that could be taken of a national asset. That is not the basis of their claim. The basis of their demand is that of necessity, that they must have so much water. The senior Senator from California [Mr. JOHNSON] himself in his remarks the other day, stated that the Imperial irrigation district claimed the right to waste 900,000 acre-feet of water into the Salton sink. If that water were used in the upper basin, if it were used in Arizona, it would irrigate more than 200,000 acres of land. Its use in the Imperial Valley, where there is no land below that the water can be again applied to beneficial use, means a loss to the Nation of farms and homes for thousands of American citizens.

Let me make it perfectly clear to the Senator from Nevada that if that is all the objection any one has to the amendment I have offered—that it lays a claim to return waters of the Gila River passing out of the mouth of that stream into old Mexico—we can very readily change the amendment to cure that fault without difficulty.

But I return to the question that I addressed to the Senator from Colorado [Mr. PHIPPS]. He states that the State of California shall be allowed 4,600,000 acre-feet of water. The only basis there is for fixing that figure is that the State of California has demanded that much water. The State of California has said that her necessities are such that she must have that much water to irrigate lands within the State and to furnish water for domestic use in the State of California.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. Suppose it is agreed that California shall have that quantity of water. In view of the physical facts, will not Arizona have ample for all her purposes and uses? Will there not be plenty left for her?

Mr. HAYDEN. I am sorry that there will not. That the total quantity of water is so limited is the basis of the controversy between Arizona and California.

Mr. SHORTRIDGE. Including, of course, all your tributary waters, which you claim to own, I take it, in fee simple, absolutely?

Mr. HAYDEN. The State of Arizona claims the waters of her tributaries to no more or no less extent than any other State would claim the tributaries of the Colorado River within its boundaries. If the water has been placed to beneficial use, then a right has been acquired to use it. If it has not been placed to beneficial use, of course the water will pass into the

main stream of the Colorado River and become part of the body of water which is divisible.

Mr. SHORTRIDGE. Arizona does not claim title to the water after it has passed into the stream on its way to the gulf?

Mr. HAYDEN. Not at all.

Mr. SHORTRIDGE. I did not know but that her claims went even to that extent.

Mr. HAYDEN. The claims of the State of Arizona have been very grossly misrepresented in that respect as in other respects in connection with this legislation. The claims of the State of Arizona are reasonable. They are based upon the long-acknowledged and well-established water law of the West.

Mr. PITTMAN. Mr. President—

Mr. HAYDEN. I yield to the Senator from Nevada.

Mr. PITTMAN. I started to say once or twice that I thought I understood the position of Arizona with regard to the Gila River. My understanding of the matter has been partially explained by the Senator from Arizona. I will now explain it in my own way.

The chief development for irrigation in Arizona is on the Gila. The large population of the State is on that river. The people of Arizona should be excused by reason of a fear that some of its development may in the future be interfered with by reason of a demand for water in Mexico. I do not believe that it is the intention of any Senator here to allow a bill to be passed that will interfere with the actual consumptive use of the waters of the Gila by Arizona on account of any demands from Mexico.

What the Senator has said with regard to return flow is undoubtedly correct. There is not any doubt whatever that the irrigation along the Colorado River, from the top to the very bottom, has the effect of equating the flow of that river. At the present time that river has enormous floods in the spring, while in the fall and in the winter it is sufficiently dry in many places to walk across it. There is very little water to irrigate with during the low season, of course; and during the high season they have a desperate time, not using it, to prevent it from destroying everything.

I think there has been too much fear manifested with regard to the demands of Mexico. That fear has not been limited to Arizona with regard to the Gila River. All of the States have been actuated by that fear, and they are to-day, in the division of this water. It is the bugaboo which more than anything else has prevented an agreement with regard to the distribution of this enormous quantity of water. Every time we approach the necessities of the State and the use of the water the ghost of Mexico instantly rises up.

The testimony that was given before the committee is printed. It stands practically undisputed. Mexico is irrigating only about 200,000 acres of land. The senior Senator from Arizona says that it is 240,000 acres. I will admit that 240,000 acres are irrigable.

The testimony also shows that practically the only means they have of irrigating is the present canal which supplies Imperial Valley and Mexico with water. The water goes through that canal. That canal has not been able, in dry years, to supply the Imperial Valley with sufficient water to irrigate the land they now have under irrigation. There has not been any very large increase in the irrigated land of Mexico, for the simple reason that they had to get their water from that canal, and that canal has been almost dry during certain dry seasons. There is no place where Mexico could place a dam to conserve water at all. When the Colorado River gets down into Mexico, it is so flat that there is hardly a flow at all. They have pumped some water recently. They are irrigating a little land by pumping the subsurface flow of that river. But when we are dealing with diversion works and irrigation we are not dealing with subsurface flow in a flat country like Mexico, because it can not be handled. It can be pumped, that is all.

The natural flow of that river to-day will not irrigate any more than 240,000 acres of land in Mexico. That is all it will irrigate. I think it is the recognized policy of Congress—certainly it is recognized in the very opening paragraph of this bill—that the comity between nations does not call upon the United States to furnish to Mexico any water that has accumulated in the United States through expenditures made in the United States. If this dam is never built, if there is no water impounded on that river, Mexico a thousand years from now will be where Mexico is to-day with regard to irrigation in Mexico.

Mr. HAYDEN. Mr. President, will the Senator yield at that point?

Mr. PITTMAN. Just a moment; I am not quite through with this. Undoubtedly this Government, if it can prevent it, will

not permit Mexico to be wronged by any action we take in the United States with regard to that river. It will not reduce the amount of water they can obtain from the natural flow, and have obtained before we have. But to say that Mexico is unable to increase her supply from impounding because there is no place to impound it, and then to say that if the United States for the benefit of its own citizens increases the flow, Mexico shall take any benefit of it, is contrary to any principles of justice or equity as between nations.

You would think that there was some possible way by which Mexico in the next few years could put under cultivation several million acres of land. You would think that they could use the whole 15,000,000 acre-feet of that river. If they could have done that, if it had been physically possible, they would have done it, of course, but they have not done it. They can not do it. That river during the irrigation season is practically dry with the exception of the small amount that goes through the present canal, and that will not irrigate in Mexico over 300,000 acres of land. So, limit it to 300,000 acres of land, give them the water benefit if you want to, of even 4 acre-feet to the acre, which, in a country like that down there, is totally unnecessary, and what would you have? You would have only 1,200,000 acre-feet of water as a maximum.

Mr. HAYDEN. That is, to supply the irrigation of lands at present under irrigation in Mexico.

Mr. PITTMAN. Yes; or up to whatever they could irrigate from the natural flow. All on earth a treaty could ever deal with would be their rights under the natural flow. We can not deal with over 1,200,000 acre-feet. La Rue says to-day there is 1,000,000 acre-feet running out of the Gila River, the return flow above the line going into Mexico. That water to-day alone, within 200 feet, would supply their total demand.

It is totally impossible to capture all of the water that may go down into Mexico and the Imperial Valley for irrigation. It is not humanly possible to capture it. You have not the bedrock on which to capture it. You have silt thousands of feet deep that saturates with water down to base rock. There would not be any possible way of preventing from 10 to 15 per cent of the flow that is let down going into Mexico as a subsurface flow.

As a matter of fact, the very argument the Senator has made, the very argument which the Senator from Wyoming [Mr. KENDRICK] made with regard to the flow, all goes to prove that there would be no physically possible way in which you could keep out of Mexico over 2,000,000 feet of return flow.

It is more than she can use. It is more than is necessary for their present irrigation. The only way they can possibly use it would be through pumping, because the only other way is through the present canal, where the water is turned in the United States and carried into Mexico. They can not build a dam in the United States. They can not divert water in the United States. They have reached the limit of irrigation in Mexico from the Colorado River, except by pumping, and if they want to pump, as I have said, the subsurface flow will be over 2,000,000 acre-feet, no matter what on earth we try to do.

We have scared ourselves to death every time we started in to negotiate a settlement with regard to Mexico, by reason of not thinking both of the physical conditions and of the law that governs nations with regard to water rights. If we can ever get away from that foolish fear in this matter, we will find that we have plenty of water for everybody.

Mr. KING. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. KING. I suggest to the Senator from Nevada the fact that there is fear. Whether there are ample grounds for fear or not may be the subject of controversy. That fear found expression in a memorial adopted by the Governors of Arizona, California, Nevada, New Mexico, Utah, and Wyoming. In the memorial this language is used:

Now, therefore, and to the end that no unfortunate misunderstanding may arise between the United States of America and the United States of Mexico, and that no false encouragement may be given to present or future developments along the Colorado River in the United States of Mexico, we, the governors of all seven of the Colorado River States, with our interstate river commissioners and advisers in conference assembled in the city of Denver on this 26th day of August, 1927, do hereby in great earnestness and concern make common petition that a note be dispatched to the Government of the United States of Mexico calling attention of that Government to the fact that neither it nor its citizens or alien investors have any legal right as against the United States of America or its citizens to a continuance of the flow of the Colorado River for beneficial purposes and that the United States of Mexico can expect no such continuance except to the extent that as a



matter of comity the two Governments may declare hereafter by treaty and that especially under no circumstances can the United States of Mexico hope to use water made available through storage works constructed or to be constructed within the United States of America, or hope to found any right upon any use thereof. We believe, too, so great are the water necessities of our States that any adjustment made with the United States of Mexico concerning the Colorado River should be based upon that river alone. We further earnestly suggest that a special commission be created by act of Congress for the Colorado River alone, a majority of the commission to be appointed from citizens of the Colorado River States, or that by act of Congress the present commission already referred to be enlarged to contain two additional members to come from the Colorado River States.

It is only by such precautionary measures, promptly taken, that our seven States with their millions of people can be given a basis of economic certainty, adequate protection, and a feeling of security pending the negotiation of an early treaty between the two Governments.

And your memorialists will forever pray.

Mr. PITTMAN. What is the date of that prayer?

Mr. KING. The 26th of August, 1927.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield.

Mr. PITTMAN. I wish to call attention to the fact that since that memorial the Johnson bill was reported out by the Senate Committee on Reclamation, and that bill is now the one under consideration, as it has been offered as an amendment to H. R. 5773. Here is the statement at the very start of the bill:

That for purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and delivery of the waters thereof for reclamation of public lands and other beneficial uses within the United States.

The committee added those words "within the United States" for the very purpose of declaring the policy of Congress and of this Government if and when this legislation becomes a law. There is no question as to what Congress will mean by that if they pass the bill. They will mean exactly the same thing those governors desire.

A treaty may never be necessary with regard to this. Whenever a treaty is necessary with regard to this matter, the burden of applying for that treaty will be on Mexico, not on the United States.

When we use this water which we store, it will be used before it can possibly get to Mexico, except such of the return as may go there. If Mexico maintains that she is being deprived of water from the Colorado River to which she is entitled, she has only one known legal remedy, and that is, through the State Department of Mexico, to protest to the State Department at Washington, to see if a harmonious adjustment can not be brought about.

We might seek to enter into a treaty with regard to what water could be used in Mexico. In the first place, you would have a question as to whether, if it was already being used, any treaty could take away any vested right. We know no statute can, and I hold that a treaty is only a statute.

We will assume, however, as a violent conclusion, that the Secretary of State of the United States would enter into a treaty with Mexico, giving them many times the amount of water to which they were entitled, from the natural flow of this river, and, to do so, should attempt to injure some vested rights in this country, to take away from people the use of water they had been legally using for irrigation.

That treaty would have to come to this body for ratification before it would ever be a treaty. It would take two-thirds of this body to ratify it. It is totally inconceivable, if we pass this bill, which states that all of the impounded water above the natural flow shall be used exclusively in the United States, that they would ratify any such treaty. They would have just as much right to say to Mexico then, as they would have if we would pass just such a resolution as the Senator from Utah has read: "You never had any right under the comity of nations to the stored waters of our country. Your rights were solely limited to the natural flow and the use to which you put the natural flow. Then, in addition to that, the Congress of the United States passed a public act in which they stated to you and the rest of the world that all of this impounded water was to be used exclusively in the United States. You and your citizens had notice of it. You can not complain that you are now injured because you took no notice of it."

There is not a chance in the world of Mexico ever getting anything except that which she is morally entitled to under the comity of nations, and we know just what that is.

Mr. KING. Will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. KING. The Senator from Nevada may be right, viewing the proposition from a strictly legal standpoint. But there are other factors to be considered. There is a situation which can not be ignored. The record before Congress reveals the fact that not only the upper States but the lower-basin States are not free from apprehension because of the Mexican situation. One of the strongest reasons urged for prompt action by Congress in dealing with the Colorado River was based upon the claim that lands in Mexico were being brought under cultivation and that rights to the waters of the Colorado River were being acquired. There is much testimony tending to show that below the international boundary there are thousands of acres of arable land, some of which can be irrigated from the waters of the Colorado River. Rights, it is asserted, may be acquired which will be injurious to the residents of the Colorado River Basin. It is stated in reports made during the hearings that every acre of land irrigated in Mexico deprives an acre of land in the United States of water needed for its reclamation. And the record tends to show that if a dam is constructed in the Colorado River and the flow of the stream is equated, several million acre-feet of water will annually flow into Mexico.

If 500,000 primary horsepower are developed, a large part of the flow of the river will be required for the generation of power, and this will increase the quantity of water which will pass out of the United States into Mexico. The upper States, as the Senator knows, are not in a position to immediately appropriate the 7,500,000 acre-feet allocated to them in the Santa Fe compact. It may be a number of years before the economic and agricultural situation will permit the bringing under cultivation of lands in the upper basin, which can only be reclaimed by the use of waters from the Colorado River. Until the upper States are ready to appropriate that to which they are entitled, it will flow down the river and a portion of it may pass into Mexico.

In the meantime, if this bill shall become a law and proceedings under it shall be carried forward, the dam and the power plant will be built. Perhaps 10,000,000 acre-feet will flow over the dam, a portion of which will be required for power purposes. As stated, the upper-basin States are not prepared to use the 7,500,000 acre-feet to which they are entitled, and a part of it will find its way into Mexico. Mexico may bring additional lands under cultivation. Suppose that for 15 or 20 years Mexico shall use the water which flows from the upper States and large areas are made productive and valuable under cultivation, and properties are developed. What will be the result when the upper States are ready to take from the river the 7,500,000 acre-feet and apply the same to beneficial purposes? Will Mexico seek relief in some international tribunal, claiming that the United States has slept on its right for years and has thus permitted Mexico to develop valuable properties which would be rendered valueless if deprived of water?

There may be some ground for fear if unused waters of the river flow for years to Mexico and are there put to beneficial use.

Mr. PITTMAN. Would a resolution stating that they could not have it in the future cover it?

Mr. KING. I do not say that it could cover it. I am merely stating the situation. Perhaps there should be a legislative declaration that the United States claims all of the waters of the Colorado River. It is thought by some that the word "exclusively," found in the bill, will answer the purpose. It may be deemed sufficient. I have, however, prepared an amendment, consideration of which I shall ask later, declaring, in effect, that Mexico shall have no right to any of the stored water, that the United States and the States on the Colorado River have appropriated and are taking steps to use all of the water of the river, and notice is given to Mexico that she shall take cognizance of the claims of the United States and the States of Wyoming, Utah, Colorado, New Mexico, Nevada, Arizona, and California.

Mr. PITTMAN. Suppose it is possible, though I say it is not physically possible, for them to use this water and they do use it for about 20 years and build up those towns and a large population and they came in under all those grounds the Senator said they would—

Mr. KING. I said they might.

Mr. PITTMAN. Suppose they might do it, would not they have the same grounds to say there was no treaty between us limiting it and that they did not have notice of all this?

Mr. KING. I am suggesting no remedy. I was merely answering the proposition of my friend from Nevada and calling atten-

tion to the fact that though he asserts there is no ground for fear, the fear nevertheless exists, as is evidenced by the declaration of the governors in the memorial to which I just referred.

That fear does exist and the people of the upper States look with some concern upon the results which will follow the building of a dam and equating the flow. As stated, one of the results will be that for some years a large amount of water belonging to the upper basin will flow into the lower basin and thence into Mexico, and Arizona will not be able for several years to use all the flow to which she is entitled. What rights Mexico will acquire, if any, I am not discussing. I am merely saying that a situation may arise which will cause concern.

As a legal proposition I think the Senator is right, and we could say to Mexico, "You have no right to water stored in the United States. You knew when you used water flowing from the dam that there was a compact between the States, ratified by them and concurred in by the United States, under the terms of which 7,500,000 acre-feet were allocated to the States above, and that they have claimed and still assert title to the same."

It may be they were not prompt in applying the water to which they were entitled, but it is theirs and no claim of laches or delay or prescription may be asserted to deprive them of their rights.

I hope there is no ground for the fear. Of course, if this bill shall pass and a dam shall be built and the water equated and Mexico shall, for a considerable length of time, use water which the upper States or Arizona are entitled to, when we are ready to use the water we will take it regardless of any claim upon the part of Mexico.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Is the amendment offered by the senior Senator from Colorado [Mr. PHIPPS] subject to amendment?

The PRESIDING OFFICER. It is not at this stage.

Mr. BRATTON. That is the inquiry I wanted to propound. In view of that, if the Senator from Arizona will permit me—

Mr. HAYDEN. Certainly.

Mr. BRATTON. I suggest to the Senator that on page 2, line 18, following the word "agree," there should be inserted the words "irrevocably and unconditionally."

Mr. PHIPPS. Will the Senator give me a reference to the substitute bill, the Johnson bill, now before the Senate?

Mr. BRATTON. I refer to the amendment offered by the Senator himself as a substitute.

Mr. JOHNSON. Will the Senator state again the line and page?

Mr. BRATTON. It is the amendment of the senior Senator from Colorado, page 2, line 18. Following the word "agree," insert the words "irrevocably and unconditionally."

Mr. PHIPPS. Mr. President, it had not occurred to me that should be necessary. An agreement on the part of a State by its legislature may be looked upon as binding upon the State as a moral obligation. However, I do not see that any harm would be done by making the modification the Senator suggests; therefore I will ask permission—

The PRESIDING OFFICER. Does the Senator from Colorado withdraw his amendment?

Mr. PHIPPS. No. I was about to ask permission to perfect my amendment by adding the words which have been suggested by the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Colorado modifies his amendment by adding the words suggested by the Senator from New Mexico.

Mr. PHIPPS. I desire to perfect my amendment by adding, after the word "agree," in line 18, on page 2 of my amendment, the words "irrevocably and unconditionally." Then the amendment would stand in that form.

Mr. President, at this point I want to make the request that I be further permitted to make another change in the pending amendment and that is to make the term for agreement under the 7-State compact, the time during which the 7-State compact may be entered into before a 6-State compact shall become effective, six months instead of one year. It seems to me that one year is perhaps longer than necessary in which all of the seven States might, if they are going to at any time, agree to a 7-State compact.

The PRESIDING OFFICER. The Chair will state that the Senator has a right at any time before his amendment is acted upon to modify it as he desires.

Mr. PHIPPS. I was aware of that, but I desired that those who are deeply interested in this amendment should know my reasons and the modus, and then I desire to perfect my amendment by changing "one year" to "six months."

Mr. ASHURST. Mr. President, will the Senator from New Mexico yield to me for a moment on the question of procedure? The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. BRATTON. I yield.

Mr. ASHURST. Of course, no one would deny the right and power of the Senator from Colorado or any other Senator to perfect his own amendment in such form as he pleased, but I am quite disturbed about a ruling just made by the Chair. I am not at this moment questioning the ruling; in fact, I am seeking light and information. When the Senate began the consideration of the bill on December 5, if Senators will advert to the Record, on page 67, the right-hand column, it will be discovered that my worthy colleague, with much thoughtful prevision, horoscoped just what might happen here. He asked the question as to whether or not amendments in this degree would be in order. It is quite important that that question should be settled. Let me see if I understand the situation.

The PRESIDING OFFICER. The Chair will state to the Senator that inquiry was made as to whether the amendment of the Senator from New Mexico could be offered and the decision was that it could not be.

Mr. ASHURST. I understand. Now, let us explore the situation. I want to be correct and I want to find out just what the Record discloses. The bill is pending before the Senate; my colleague offered an amendment; that amendment was in order; the Senator from Colorado [Mr. PHIPPS] proposed an amendment to the amendment of my colleague [Mr. HAYDEN]. That is true, is it not?

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. Then it seems to me that it was understood, if I read the Record correctly and my memory serves me right at this time, that the amendment proposed by the Senator from New Mexico to the amendment offered by the Senator from Colorado would be in order.

The PRESIDING OFFICER. No; it would not be.

Mr. ASHURST. I yield with great deference to the present occupant of the chair, the Senator from Ohio [Mr. FESS]. I think that Senator is one of the few who has given very close study to the Senate rules. I wish more Senators would do so, and I should apply myself also in that direction. However, I still insist that a reading of the Record will indicate or seem to show that we attempted to reach an agreement whereby and whereunder amendments of this nature might be offered. I will ask the clerk to read from page 65 of the Record of December 5, if the Senator from New Mexico will pardon me.

Mr. BRATTON. Certainly.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

Mr. HAYDEN. Mr. President, reserving the right to object, the Senator from California appreciates that the Senators from Arizona have offered a number of amendments to the Senate bill which they, at least, consider to be worthy of consideration by the Senate. The substitution of the House bill for the Senate bill will automatically require, I believe, under the rules of the Senate, that those amendments shall be reoffered, and that is a matter which we desire to have considered. Could the Senator suggest any way?

Mr. JOHNSON. Yes; I think I can suggest a way which will protect the amendments referred to by the Senator. For instance, let us assume that the House bill is substituted here. Let us assume that, after the substitution of the House bill, all succeeding the enacting clause is stricken out of the bill and the Senate bill inserted. Let us assume that that is done upon the agreement that the amendments heretofore presented by the Senators from Arizona shall be considered as having been presented and may be taken up in due course and in regular parliamentary fashion. Does not that answer the requirement?

Mr. HAYDEN. It would seem to me in addition that we should have assurance that the amendments which have been read should preserve the same status that they now possess.

The VICE PRESIDENT. The amendments would have to be reoffered to the House bill.

Mr. HAYDEN. That was the labor I was seeking to avoid.

The VICE PRESIDENT. They have never been offered to the Senate bill formally, because the Senate is now acting on committee amendments to the Senate bill.

Mr. ASHURST. Passing further on to page 68, with the permission of the Senator from New Mexico, I will ask the clerk to read a part of the discussion of the question by the Senator from Utah [Mr. KING], beginning with the words:

Mr. BRATTON. Do I understand that the Senator now offers the Senate bill in the form in which the committee recommended it?



I ask the clerk to read from there down to the end of the column, on page 68.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

Mr. BRATTON. Do I understand that the Senator now offers the Senate bill in the form in which the committee recommended it?

Mr. JOHNSON. Yes, sir.

Mr. ROBINSON of Arkansas. Mr. President, I think it ought to be understood, in view of what has taken place, that when the substitution is made the bill shall be subject to amendment and that the amendments which have been submitted to the Senate bill shall be considered as pending to the House bill. That was the understanding.

Mr. FESS. Not as pending.

Mr. ROBINSON of Arkansas. As having relation to the House bill. Of course they could not be pending until they are actually offered.

Mr. JOHNSON. Very well. I accept the statement of the Senator from Arkansas.

The VICE PRESIDENT. Is there objection? Without objection, it is so agreed and the Senator from California has offered the following amendment, which will be stated:

The CHIEF CLERK. The Senator from California proposes to amend House bill 5773 by striking out all after the enacting clause and inserting in lieu thereof the language of the Senate bill (S. 728).

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. KING. If amendments shall be offered now, if the motion of the Senator from California—

The VICE PRESIDENT. Amendments should be offered now before the agreement is had. The bill should be amended now before the unanimous-consent request is agreed to.

Mr. KING. The inquiry I was about to propound was this: If we have before us the Senate bill—

Mr. JOHNSON. That is before us now, as I understand it.

Mr. KING. That is the inquiry I was about to make. If we have the Senate bill before us, then of course amendments to amendments may be offered and should not be subject to challenge that the latter amendment was subject to a point of order, being in the third degree or the second degree.

Mr. JOHNSON. I think not.

The PRESIDING OFFICER. The Chair will explain the situation to the Senator from Arizona.

Mr. BRATTON. Let me inquire of the Chair, if I may, in connection with the observation made—

The PRESIDING OFFICER. May the Chair make a statement as to the status of the situation at this time?

Mr. BRATTON. Certainly.

The PRESIDING OFFICER. We are regarding the Senate substitute to strike out all after the enacting clause of the House bill and insert the Senate bill as the original bill, just as if it had been originally reported in that form. Then, it is subject to amendment and an amendment so offered is subject to another amendment. That is the situation we now have. The Senate bill is an amendment, but we are considering it as the original text. The junior Senator from Arizona [Mr. HAYDEN] offered an amendment, which is in the first degree; the Senator from Colorado [Mr. PHIPPS] offered an amendment to that amendment, which is in the second degree. Any other amendment to the amendment of the Senator from Colorado, of course, would be out of order as being in the third degree.

Mr. BRATTON. That is the point I had in mind as to whether the Chair in making the ruling regards the substitute bill as occupying the same status that the original Senate bill occupied.

Mr. KING. I will say that it was my intention merely to put the Senate bill in the position of the original bill so that it would not be subject to challenge when an amendment was offered as being in the second degree. While I should be very glad to have it extended further, I must be honest with the Chair and say that that was my intention, and I think that the ruling of the Chair is correct.

Mr. ASHURST. I am not caviling or quarreling with the Chair, but I think it important that we know that the Senate bill substituted for the House bill on motion of the Senator from California shall not be considered as an amendment to the original text. Now, let me see if I perceive correctly the situation. My colleague has offered an amendment to the original bill which is in the first degree.

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. And the Senator from Colorado has offered an amendment to my colleague's amendment, being, therefore, in the second degree.

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. I will have to confess that the amendment of the Senator from New Mexico might be in the third degree.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions, and they were signed by the Vice President:

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; and

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

#### EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS

Mr. JONES. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, December 11, 1928, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate December 10, 1928*

##### COMMISSIONER OF IMMIGRATION

Thomas B. R. Mudd, of Maryland, to be Commissioner of Immigration at the port of Baltimore, Md.

##### UNITED STATES DISTRICT JUDGES

Samuel H. West, of Ohio, to be United States district judge, northern district of Ohio, to succeed D. C. Westenhaver, deceased.

Justin W. Harding, of Alaska, to be district judge, division No. 1, district of Alaska, to succeed Thomas M. Reed, deceased.

##### POSTMASTERS

##### CALIFORNIA

Jay K. Battin to be postmaster at Angwin, Calif., in the place of J. K. Battin. Incumbent's commission expires December 17, 1928.

Jeremiah R. Brown to be postmaster at Arcata, Calif., in place of J. R. Brown. Incumbent's commission expired January 31, 1928.

Joseph C. Beard to be postmaster at Burlingame, Calif., in place of J. C. Beard. Incumbent's commission expires December 17, 1928.

Wallace B. Sawyer to be postmaster at Galt, Calif., in place of W. B. Sawyer. Incumbent's commission expires December 17, 1928.

Felix B. LaCrosse to be postmaster at Half Moon Bay, Calif., in place of F. B. LaCrosse. Incumbent's commission expired June 5, 1928.

Josephine C. McCabe to be postmaster at Imola, Calif., in place of J. C. McCabe. Incumbent's commission expires December 17, 1928.

John E. Nolan to be postmaster at Jamestown, Calif., in place of J. E. Nolan. Incumbent's commission expires December 17, 1928.

Frank B. Clark to be postmaster at Mount Lowe, Calif., in place of F. B. Clark. Incumbent's commission expires December 17, 1928.

Ora Lester Dunn to be postmaster at Quincy, Calif., in place of I. G. Moody, resigned.

Charles J. Funk to be postmaster at Redondo Beach, Calif., in place of C. J. Funk. Incumbent's commission expires December 17, 1928.

William J. Martin to be postmaster at Salinas, Calif., in place of W. J. Martin. Incumbent's commission expires December 17, 1928.

Grace E. Patterson to be postmaster at Samoa, Calif., in place of G. E. Patterson. Incumbent's commission expired April 21, 1928.

## COLORADO

Thomas N. Wayne to be postmaster at Edgewater, Colo., in place of T. N. Wayne. Incumbent's commission expires December 13, 1928.

Nellie M. Mickey to be postmaster at Evergreen, Colo., in place of N. M. Mickey. Incumbent's commission expires December 13, 1928.

Lewis W. Kennedy to be postmaster at Hot Sulphur Springs, Colo., in place of L. W. Kennedy. Incumbent's commission expires December 13, 1928.

Fannie E. Arnett to be postmaster at Peetz, Colo., in place of F. E. Arnett. Incumbent's commission expires December 13, 1928.

Charles J. Funk to be postmaster at Sterling, Colo., in place of C. J. Funk. Incumbent's commission expires December 13, 1928.

## CONNECTICUT

Mary A. Tracy to be postmaster at Central Village, Conn., in place of M. A. Tracy. Incumbent's commission expires December 13, 1928.

John J. O'Neill to be postmaster at Killingly, Conn., in place of J. J. O'Neill. Incumbent's commission expires December 13, 1928.

George E. Dickinson to be postmaster at Rockville, Conn., in place of G. E. Dickinson. Incumbent's commission expires December 13, 1928.

William Krause to be postmaster at Westport, Conn., in place of William Krause. Incumbent's commission expires December 17, 1928.

Hal R. Kellogg to be postmaster at Woodmont, Conn., in place of H. R. Kellogg. Incumbent's commission expires December 17, 1928.

## GEORGIA

Edith A. Herrington to be postmaster at Millen, Ga., in place of E. A. Herrington. Incumbent's commission expires December 17, 1928.

## IDAHO

Robert R. Coon to be postmaster at Emmett, Idaho, in place of R. R. Coon. Incumbent's commission expires December 17, 1928.

Joseph B. Newbury to be postmaster at Mullan, Idaho, in place of J. B. Newbury. Incumbent's commission expires December 17, 1928.

## ILLINOIS

David A. Howard to be postmaster at Glasford, Ill., in place of D. A. Howard. Incumbent's commission expires December 13, 1928.

Charles Jackson to be postmaster at Joy, Ill., in place of Charles Jackson. Incumbent's commission expires December 10, 1928.

Rex C. Bliss to be postmaster at La Fayette, Ill., in place of R. C. Bliss. Incumbent's commission expires December 10, 1928.

George E. Carlson to be postmaster at Moline, Ill., in place of G. E. Carlson. Incumbent's commission expires December 9, 1928.

Harry C. Smith to be postmaster at New Windsor, Ill., in place of H. C. Smith. Incumbent's commission expires December 10, 1928.

Alice Murray to be postmaster at Oneida, Ill., in place of Alice Murray. Incumbent's commission expires December 10, 1928.

Oscar B. Harrauff to be postmaster at Princeton, Ill., in place of O. B. Harrauff. Incumbent's commission expires December 10, 1928.

John Hudson to be postmaster at Valier, Ill., in place of John Hudson. Incumbent's commission expires December 13, 1928.

Oscar B. Park to be postmaster at Wapella, Ill., in place of W. A. Graham, resigned.

## INDIANA

George P. Crabtree to be postmaster at Clay City, Ind., in place of G. P. Crabtree. Incumbent's commission expires December 12, 1928.

Lewis Debolt to be postmaster at Claypool, Ind., in place of Lewis Debolt. Incumbent's commission expires December 12, 1928.

Charles E. Barracks to be postmaster at Frankton, Ind., in place of C. E. Barracks. Incumbent's commission expires December 12, 1928.

## IOWA

Elizabeth Summers to be postmaster at Fort Atkinson, Iowa, in place of Elizabeth Summers. Incumbent's commission expires December 12, 1928.

Estella Griffin to be postmaster at McIntire, Iowa, in place of Estella Griffin. Incumbent's commission expires December 9, 1928.

## KENTUCKY

Howard C. Lewis to be postmaster at Morehead, Ky., in place of W. E. Proctor, removed.

Raymond H. Heskamp to be postmaster at St. Matthews, Ky., in place of E. F. Fravert, resigned.

Elbert W. Beers to be postmaster at Van Lear, Ky., in place of A. M. Gibson, removed.

John Lafferty to be postmaster at Wheelwright, Ky., in place of F. F. Gearhart, removed.

## LOUISIANA

Rena F. Eckart to be postmaster at Natalbany, La., in place of R. F. Eckart. Incumbent's commission expires December 13, 1928.

## MASSACHUSETTS

Robert A. Clark to be postmaster at Sharon, Mass., in place of J. L. McGrath, deceased.

James P. Smith to be postmaster at Springfield, Mass., in place of W. K. Kaynor, resigned.

Ethel V. Cook to be postmaster at Wenham, Mass., in place of W. P. Porter, resigned.

## MICHIGAN

Clifford L. Kenney to be postmaster at Milford, Mich., in place of F. W. Holmes, deceased.

## MINNESOTA

John V. Barstow to be postmaster at Brownsdale, Minn., in place of J. V. Barstow. Incumbent's commission expires December 13, 1928.

John L. Christianson to be postmaster at Harmony, Minn., in place of J. L. Christianson. Incumbent's commission expires December 13, 1928.

Laura Z. Cairns to be postmaster at Rice, Minn., in place of A. J. Rajkowski, resigned.

## MISSOURI

Ida A. Sack to be postmaster at Bosworth, Mo., in place of I. A. Sack. Incumbent's commission expires December 17, 1928.

Delph C. Simons to be postmaster at Grant City, Mo., in place of D. C. Simons. Incumbent's commission expires December 17, 1928.

Delphia Johnson to be postmaster at Jerico Springs, Mo., in place of Delphia Johnson. Incumbent's commission expires December 17, 1928.

Mattie A. Campbell to be postmaster at King City, Mo., in place of M. A. Campbell. Incumbent's commission expires December 17, 1928.

J. Frank Wilson to be postmaster at Palmyra, Mo., in place of J. F. Wilson. Incumbent's commission expires December 17, 1928.

Clyde S. Jones to be postmaster at Polo, Mo., in place of C. S. Jones. Incumbent's commission expires December 17, 1928.

George R. Hendricks to be postmaster at Rutledge, Mo., in place of G. R. Hendricks. Incumbent's commission expires December 17, 1928.

Joseph A. Davis to be postmaster at Waynesville, Mo., in place of J. A. Davis. Incumbent's commission expires December 17, 1928.

## MONTANA

George P. Huddleston to be postmaster at Whitetail, Mont., in place of G. B. Cameron, resigned.

## NEBRASKA

Maude Pontius to be postmaster at Harrison, Nebr., in place of L. P. Rice. Incumbent's commission expired May 14, 1928.

## NEW HAMPSHIRE

John E. Horne to be postmaster at Milton Mills, N. H., in place of J. E. Horne. Incumbent's commission expires December 10, 1928.

Maude B. Duston to be postmaster at Plaistow, N. H. Office became presidential July 1, 1928.

## NEW JERSEY

Robert E. Torrance to be postmaster at Arlington, N. J., in place of R. E. Torrance. Incumbent's commission expires December 13, 1928.

Ralph E. Liddle to be postmaster at Fords, N. J., in place of R. E. Liddle. Incumbent's commission expires December 13, 1928.



James L. O'Donnell to be postmaster at Hamonton, N. J., in place of J. L. O'Donnell. Incumbent's commission expires December 13, 1928.

Walter G. Barber to be postmaster at Millville, N. J., in place of W. G. Barber. Incumbent's commission expires December 13, 1928.

Walter E. Walling to be postmaster at Port Monmouth, N. J., in place of W. E. Walling. Incumbent's commission expires December 13, 1928.

Harry W. Mutchler to be postmaster at Rockaway, N. J., in place of H. W. Mutchler. Incumbent's commission expires December 13, 1928.

Hiram H. Shepherd to be postmaster at South Boundbrook, N. J., in place of H. H. Shepherd. Incumbent's commission expires December 13, 1928.

#### NEW MEXICO

John H. York to be postmaster at Las Vegas, N. Mex., in place of J. H. York. Incumbent's commission expires December 13, 1928.

#### NEW YORK

Leslie E. Daniels to be postmaster at Chaumont, N. Y., in place of L. E. Daniels. Incumbent's commission expires December 16, 1928.

William L. Fuller to be postmaster at Ellenville, N. Y., in place of W. L. Fuller. Incumbent's commission expired February 8, 1928.

Harmon A. Ranous to be postmaster at Minetto, N. Y., in place of H. A. Ranous. Incumbent's commission expires December 16, 1928.

Perry Deyo to be postmaster at New Paltz, N. Y., in place of Perry Deyo. Incumbent's commission expired May 19, 1928.

Edith L. Kent to be postmaster at Tuxedo Park, N. Y., in place of E. L. Kent. Incumbent's commission expires December 11, 1928.

Daniel Van Alst to be postmaster at Walkill, N. Y., in place of H. B. McHugh, deceased.

#### NORTH DAKOTA

Redmond A. Bolton to be postmaster at Jamestown, N. Dak., in place of R. A. Bolton. Incumbent's commission expired April 19, 1928.

#### OHIO

Elizabeth F. Kelley to be postmaster at North Olmsted, Ohio, in place of E. F. Kelley. Incumbent's commission expires December 17, 1928.

Will B. Maynard to be postmaster at Olmsted Falls, Ohio, in place of W. B. Maynard. Incumbent's commission expires December 17, 1928.

#### OKLAHOMA

Henry A. Ravia to be postmaster at Bessie, Okla., in place of H. A. Ravia. Incumbent's commission expired December 10, 1928.

Burton A. Tyrrell to be postmaster at Fargo, Okla., in place of E. T. Hull, removed.

Earl C. Moore to be postmaster at Forgan, Okla., in place of T. L. Ogilvie, resigned.

Benjamin F. Rarick to be postmaster at Guymon, Okla., in place of W. T. Bratton, resigned.

Helen Whitlock to be postmaster at Maramec, Okla., in place of Helen Whitlock. Incumbent's commission expires December 13, 1928.

#### OREGON

Howard C. Getz to be postmaster at Coquille, Oreg., in place of H. C. Getz. Incumbent's commission expires December 13, 1928.

Elbert Smith to be postmaster at Cottage Grove, Oreg., in place of Elbert Smith. Incumbent's commission expires December 13, 1928.

Frederick D. Gardner to be postmaster at Forest Grove, Oreg., in place of F. D. Gardner. Incumbent's commission expires December 13, 1928.

J. Clyde Martin to be postmaster at Grants Pass, Oreg., in place of J. C. Martin. Incumbent's commission expires December 13, 1928.

Gaylord G. Godfrey to be postmaster at Independence, Oreg., in place of G. G. Godfrey. Incumbent's commission expires December 13, 1928.

Willis E. Everson to be postmaster at Waldport, Oreg., in place of W. E. Everson. Incumbent's commission expires December 13, 1928.

#### PENNSYLVANIA

Clarence G. Young to be postmaster at Bristol, Pa., in place of C. G. Young. Incumbent's commission expires December 13, 1928.

Harold C. Fry to be postmaster at Camp Hill, Pa., in place of H. C. Fry. Incumbent's commission expires December 16, 1928.

Margaret E. Warnock to be postmaster at Darlington, Pa., in place of M. E. Warnock. Incumbent's commission expires December 17, 1928.

H. George Marburger, to be postmaster at Denver, Pa., in place of H. G. Marburger. Incumbent's commission expires December 13, 1928.

Carey W. Huff to be postmaster at Durant City, Pa., in place of C. W. Huff. Incumbent's commission expires December 17, 1928.

Laura E. Rich to be postmaster at Enola, Pa., in place of L. E. Rich. Incumbent's commission expires December 17, 1928.

Samuel Y. Wissler to be postmaster at Ephrata, Pa., in place of S. Y. Wissler. Incumbent's commission expires December 13, 1928.

William Irely to be postmaster at Glenmoore, Pa., in place of William Irely. Incumbent's commission expired January 8, 1928.

Edwin H. Cliff to be postmaster at Glen Olden, Pa., in place of E. H. Cliff. Incumbent's commission expires December 17, 1928.

John M. Kurtz to be postmaster at Honey Brook, Pa., in place of J. M. Kurtz. Incumbent's commission expires December 13, 1928.

Grant Umberger to be postmaster at Langhorne, Pa., in place of Grant Umberger. Incumbent's commission expires December 13, 1928.

Florence G. Hibberd to be postmaster at Lenni Mills, Pa. Office made presidential July 1, 1928.

Joseph G. Cassidy to be postmaster at Markham, Pa. Office made presidential July 1, 1928.

Elmer R. West to be postmaster at Malvern, Pa., in place of Warren Ruth. Incumbent's commission expired January 8, 1928.

Claude S. Yeager to be postmaster at Orwigsburg, Pa., in place of C. S. Yeager. Incumbent's commission expires December 16, 1928.

William K. Pearce to be postmaster at Rutledge, Pa., in place of W. K. Pearce. Incumbent's commission expires December 16, 1928.

Eli H. Shockey to be postmaster at Stoyestown, Pa., in place of E. H. Shockey. Incumbent's commission expires December 17, 1928.

David L. Bly to be postmaster at Watsonstown, Pa., in place of D. L. Bly. Incumbent's commission expires December 16, 1928.

Annie Smith to be postmaster at Waverly, Pa., in place of Annie Smith. Incumbent's commission expires December 16, 1928.

Norman H. Koch to be postmaster at Weatherly, Pa., in place of N. H. Koch. Incumbent's commission expires December 16, 1928.

Boles M. Boyer to be postmaster at Weissport, Pa., in place of B. M. Boyer. Incumbent's commission expires December 16, 1928.

#### RHODE ISLAND

William F. Caswell to be postmaster at Jamestown, R. I., in place of W. F. Caswell. Incumbent's commission expires December 16, 1928.

#### SOUTH CAROLINA

Lawrence D. Hagan to be postmaster at Due West, S. C., in place of L. D. Hagan. Incumbent's commission expires December 17, 1928.

Carolyn M. Venters to be postmaster at Johnsonville, S. C., in place of W. H. Meng, removed.

Paul G. Barnett to be postmaster at Westminster, S. C., in place of P. G. Barnett. Incumbent's commission expires December 17, 1928.

George R. Hudson to be postmaster at Williston, S. C., in place of G. R. Hudson. Incumbent's commission expires December 13, 1928.

#### SOUTH DAKOTA

Harry K. Sanborn to be postmaster at Hurley, S. Dak., in place of H. K. Sanborn. Incumbent's commission expires December 11, 1928.

#### TENNESSEE

Sandy A. Greenwell to be postmaster at Butler, Tenn., in place of R. C. Laws, resigned.

#### VIRGINIA

Mary E. Gregory to be postmaster at Drakes Branch, Va., in place of G. C. Collins, resigned.

Thomas J. Crickenberger to be postmaster at Emporia, Va., in place of T. J. Crickenberger. Incumbent's commission expired February 8, 1928.

Florence E. Priest to be postmaster at Scottsburg, Va., in place of E. P. Lacy, resigned.

## WEST VIRGINIA

Mary B. Carman to be postmaster at Bethany, W. Va., in place of M. B. Carman. Incumbent's commission expires December 16, 1928.

## WYOMING

Frank A. Beard to be postmaster at Chugwater, Wyo., in place of F. A. Beard. Incumbent's commission expires December 13, 1928.

John H. Mantle to be postmaster at Kemmerer, Wyo., in place of J. H. Mantle. Incumbent's commission expires December 13, 1928.

Louis E. Eaton to be postmaster at Torrington, Wyo., in place of L. E. Eaton. Incumbent's commission expires December 13, 1928.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate December 10, 1928*

## EXAMINER IN CHIEF UNITED STATES PATENT OFFICE

Walter Leffingwell Redrow, to be examiner in chief, United States Patent Office.

## POSTMASTERS

## COLORADO

George H. Felton, Cragmor.  
Dwight K. Foster, Paonia.

## DELAWARE

John W. Dimes, Bridgeville.  
Alexander R. Abrahams, Wilmington.

## IDAHO

William R. Ogle, Glens Ferry.  
Clara H. Dunn, Hazleton.  
Albert T. Moulton, Victor.  
Marie E. Roos, Weippe.  
Arthur N. MacQuivey, Wendell.

## KENTUCKY

Walter C. Engle, Berea.  
Tillie York, Bond.  
Cicero S. Gentry, Dixon.  
Floyd Arnett, Dunham.  
Lawrence E. Ratliff, Lookout.  
Lou M. Thompson, Lyndon.  
G. Russell Ireland, Upton.  
Fannie Winstead, Wheatcroft.

## MARYLAND

William H. Medford, Cambridge.  
John R. Watson, Cardiff.  
Emma J. Wilson, Coloma.  
Mary J. Johnston, Fort Washington.  
Florence C. Lambie, Mount Savage.  
George E. Snyder, Randallstown.  
George C. Logan, Rowlandsville.

## MISSOURI

George J. C. Wohlschlaeger, Affton.  
George H. Bathe, jr., Argyle.  
George C. Blackwell, Breckenridge.  
A. B. Williams, Campbell.  
Joseph C. Muellersman, Festus.  
Emma J. Lehman, Fortuna.  
William A. Jenkins, Hardin.  
Rhoda K. Ward, Patterson.  
George D. Harris, Slater.

## NORTH DAKOTA

Irene Tiller, Burlington.  
Lena L. Hintz, Dunn Center.  
Henry G. Stenson, Fort Totten.  
George A. Swen, Gilby.  
Alfred S. Duntley, Grandin.  
Gilbert I. Ryan, Landa.  
Harry H. Roberts, Tower City.

## WASHINGTON

John A. Doyle, Berne.  
William Scales, Centralia.  
Frank G. Moran, Moran School.

Birdie L. Crook, Nespelem.  
Lloyd Purdy, Prescott.  
Edward V. Pressentin, Rockport.  
Ida Jacklin, Woodinville.

## WEST VIRGINIA

Lawrence M. Huddleston, Burnwell.  
Robert Y. Henley, Caretta.  
George H. Meredith, Dehue.  
Otta K. Wigner, Ellenboro.  
Oscar Sipple, Fort Gay.  
Merrick D. Robertson, Glen Morrison.  
Melvin W. Combs, Northfork.  
James W. Bee, Parkersburg.  
Harry M. Watson, Pine Grove.  
Benjamin C. Wetzel, Sun.

## HOUSE OF REPRESENTATIVES

MONDAY, December 10, 1928

The House met at 12 o'clock, noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, all our days, with their opening light and their evening shade, demand our successive praise. We would begin the week with a devout thanksgiving to the infinite Creator of us all. Whatever our fortune or birth, let us rejoice in the possession of life. Not how long, not years, but how well, secures the treasure of time and forever. God help us to be just to ourselves. Oh, shine on our pathways, light them up with the reflection of the upper world. Make of them spiritual highways and thoroughfares for our climbing souls. Always and ever persuade us to keep far, far away from the moral subways, and may we never lose our sky line. Hold us to a beautiful and glorious vision from which we shall hear the voice and the call of our Father in Heaven. Amen.

The Journal of the proceedings of Friday last was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 3171) entitled "An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States."

## MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were presented to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President did approve and sign bills and joint resolutions of the House of the following titles:

On December 5, 1928:

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor.

On December 6, 1928:

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. R. 9710. An act for the relief of the State of South Carolina.

On December 7, 1928:

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 6432. An act for the relief of James E. Moyer; and

H. R. 3844. An act for the relief of Myra Madry.

On December 8, 1928:

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time



served on a basis of one year for each 306 days of eight hours served as substitute;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

H. R. 7236. An act for the relief of James M. Long;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property; and

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor.

#### AIRPORT FOR THE CITY OF WASHINGTON

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of an airport or air field for the city of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, for several years Congress and the Government officials, as well as the commissioners and civic and commercial bodies of the District of Columbia have been perplexed by the problem of securing for the Capital of this great Nation an airport large enough to meet the requirements of the fastly developing science of aerial navigation.

The subject has been the topic of many special meetings of Government officials, aeronautic authorities, civic and industrial bodies, and of numerous editorials in Washington papers. It has been referred to in a presidential message, and during the past month was the cause of a mass meeting at which about 2,000 people, including Senators and Representatives, were present. The unanimous consensus of opinion was that Washington needs a large airport, and that we were facing a critical situation on account of lack of a large enough area to afford adequate runways for the large air liners that are certain to come in the near future, and the space required to accommodate the hundreds of planes that would come to the Capital, but can not do so because of lack of airport facilities. On such occasions as Lindbergh's reception at the Capital the planes were actually forbidden from the District because they could not be accommodated.

To solve this problem, the authorities state that an airport of a thousand acres is required. Cleveland, with an airport of that size, finds it necessary to provide additional airports, and all the other cities that have smaller airports, including Chicago, which spent \$3,000,000 on airport facilities, are complaining that their airport area is inadequate. The only city that is not worrying over the future needs is Richmond, the capital of Virginia. Up to two years ago Richmond was facing the same problem that is worrying the District of Columbia, that of lack of suitable land for a large airport within the city limits. For that reason they could not have the air mail and were humiliated through being passed by aerial developments.

Then, in October, 1926, Mr. Henry Woodhouse, president of the Aerial League of America, and Col. A. A. Anderson, the New York capitalist, came to Richmond, acquired 1,268 acres of land at Seven Pines, about 8 miles from the city, and in 60 days they had a landing place. The city officials felt that the city should have control of its own municipal airport and bought 300 acres, which Messrs. Woodhouse and Anderson promptly agreed to sell at the same price they had paid, refusing the profit which was offered to them.

The result is that Richmond has a suitable airport, with ample land in reserve to take care of future needs. The directors of the Richmond Air Junction Association, the organization that solved that problem were A. A. Anderson, Henry Adam Ashforth, Stanley W. Eakin, C. Tiffany Richardson, and Henry Woodhouse.

Having in mind how quickly and thoroughly Richmond's problem was solved, I know that it will be gratifying to this body and to the Government and District officials to know that plans have been completed by these gentlemen and the Aerial League of America to give the Capital a great air and scientific center, the greatest in the world, with an area of over 2,000 acres.

In a letter transmitted to-day to the Board of District Commissioners of the District of Columbia, officials of the Aerial League of America and associated organizations announced the acquisition of over 2,000 acres of George Washington land and other historic estates for establishing the world's greatest air junction and scientific center at the Capital's gates, to be

known as the Washington air junction, which is ideally located and ready for immediate use.

The letter to the Board of District Commissioners is signed by Henry Woodhouse, who succeeded Admiral Peary as president of the Aerial League of America, and who, with Col. A. A. Anderson, the New York capitalist, solved Richmond's problem of getting adequate airport facilities by establishing the 1,268-acre Richmond air junction two years ago.

Mr. Woodhouse offers the use of the air junction to the Government and District free of charge and emphasizes that no support whatsoever is sought or expected from the Government or the District.

The public-spirited group undertaking this huge project are represented by Mr. Edward Stafford, the Washington attorney, son of Mr. Justice Wendell P. Stafford, of the Supreme Court of the District of Columbia, who was selected because he was associated with Admiral Peary in the latter's pioneer aeronautic activities. He married the daughter of the discoverer of the North Pole, Miss Marie A. Peary, who was born in the Arctic, who has been a director of the Aerial League of America for a number of years.

Mr. Woodhouse's letter to the commissioners follows:

BOARD OF DISTRICT COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, D. C.

GENTLEMEN: 1. Having noted from the statements of President Coolidge and of officials of the Post Office, War Department, Department of Commerce, and District of Columbia, and of officers of the Chamber of Commerce, Board of Trade, and Merchants and Manufacturers' Association of the District that an airport is needed, and that Washington may lose its place as a relay point on the New York-Philadelphia-Richmond-Atlanta air mail line, because it will require from three to five years to fill the Potomac area at Gravelly Point and converting it into an airport; and appreciating the importance of giving to the Capital of the United States airport facilities equal to the world's best. The Aerial League of America and associated organizations have arranged for the acquisition of the only large tracts of level lands suitable for a large airport near the Capital, consisting of historic estates of Gen. George Washington and George Mason, on the Washington-Richmond Highway, aggregating over 2,000 acres and many buildings.

Steps are being taken to convert this huge tract into a great center of aeronautic and scientific activities, to be known as the Washington air junction, but planes have been landing on these grounds for two years, therefore planes can be accommodated immediately, while the improvements that will be made in the coming month will make it possible to accommodate the hundreds of planes that may come on Washington's Birthday, February 22, and Inauguration Day, March 4.

2. It was felt that it would be most appropriate that the world's greatest airport and scientific center should be established on the ancestral homelands of George Washington, at the gates of the Capital of the land which Washington first molded into a nation, and that such a great air and scientific center should be named the Washington air junction because George Washington was the first father of American aeronautics and the first American patron of applied sciences.

When the aeronaut Blanchard made the first balloon ascension ever made on the Western Hemisphere, which was made at Philadelphia on January 9, 1793, President Washington went to the place used as balloon park at 9 in the morning to witness the inflation, and personally issued to the intrepid air pioneer a passport in which he urged "all to whom these present shall come" to aid Blanchard, "with that humanity and good will which may render honor to their country, and justice to an individual so distinguished by his efforts to establish and advance an art, in order to make it useful to mankind in general."

3. An exhaustive search has confirmed the fact that President Washington was the first head of a nation in the world's history to express the belief that the art of aeronautics could become useful to mankind.

4. History's records show, likewise, that Washington was foremost in his age in supporting scientific institutions. He was the first head of a nation to urge such support in an official public message, which he did in his farewell address to the American people, in which he said: "Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge."

5. Washington's extensive estates, located between the city of Washington and Mount Vernon, which he had defined in his will and delineated on maps, had been divided and were owned by close to 30 owners, and in the process of locating them we found that the War Department, during the World War, had made an extensive survey of the tracts of land in the District of Columbia and surrounding country with a view of establishing a military aviation field, and had determined that the only ideal site, affording runways of from 1 to 2 miles in length, was the huge plateau bounded by the Richmond Highway and Gravel Road and Telegraph Road. This site was surveyed by the War Department and plans were made for the buildings to be erected and other improvements to be made, but the ending of the war stopped this plan.

6. This and other tracts of land, aggregating over 2,000 acres, have been acquired for the Washington air junction, including the extensive tracts of land mentioned in Washington's diaries as having been cultivated by him, on which he planted oak, walnut, maple, hickory, and other stately trees, and cherry, pear, plum, and other fruit trees recorded in his diaries as having been planted by him, and on which he and his kinsmen and friends and guests went hunting.

The whole forms the large quadrangular tract located about 3 miles southwest of Alexandria, bounded for over 2 miles by the Washington-Richmond Highway, and on the northwest sides by the Telegraph Road and Gravel Road, also for over 2 miles, and has been pronounced ideal by the highest Government and civilian aeronautic authorities who have been consulted about the plan to convert this land into the Washington air junction.

7. This will make the Washington air junction nearer to the city of Washington, and better in many ways, than the famous Croydon Airport is to London, the LeBourget Airport is to Paris, the Roosevelt Field and the Curtiss Field are to New York; and the acreage of the Washington air junction alone is greatly more than the total acreage of these four noted airports and the Templehofer Field, Berlin's airport, combined. It is also twice the size of the Richmond, Va., air junction, which had been the world's largest since we established it in October, 1926, in honor of Commander Richard E. Byrd, the first man to fly to the North Pole.

8. Having a frontage of over 2 miles on the Washington-Richmond Highway, and 2 miles on the Telegraph Road and Gravel Road, and being close to the Richmond, Fredericksburg & Potomac and Southern Railroads and within sight of the Potomac River, the Washington air junction is ideal from the standpoint of accessibility and transportation.

9. In addition, it has electric power, electric light, several large springs of healthful water, famous since Washington's days, and other facilities not to be found at any of the world's airports. To these will soon be added the improvements necessary to make it a great air junction and scientific center.

10. The advisability of having 2,000 acres for the Washington air junction, to provide for the future demand for space for air traffic, was determined upon after a study of the world's 5,000 airports made by the airways council of the Aerial League of America, which included the following authorities on aeronautics, traffic, and public safety: Col. Jefferson de Mont Thompson, chairman of the Aviation Commission of the State of New York; Col. A. A. Anderson, president of the Richmond Air Junction Association and former Commissioner of Traffic and Public Safety of the City of New York; Alan R. Hawley, member of the Aviation Commission of the State of New York and holder of the American long-distance balloon record; Murray Hulbert, president of the Amateur Athletic Union, former Member of Congress, and president of the Board of Aldermen of the City of New York; Rear Admiral Colby M. Chester, noted scientist; Henry Woodhouse, president of the Aerial League of America, chairman of the International Science Forum, and member of the Federal city committee of the American Civic Association; Capt. Robert A. Bartlett, noted Arctic explorer; and A. Leo Stevens, the pioneer aeronaut who built the United States Army's first airship in 1908, with the late Capt. Thomas S. Baldwin, and was the Army's instructor and expert on lighter-than-air and parachutes during and after the war.

11. Having been pioneers in aviation, automobilism, and other branches of human endeavor, these experts looked into the future and visioned the possible aeronautic developments of the city of Washington, and they saw enormous possibilities, depending greatly upon having an extensive air junction where these activities can be centered, coordinated, and stimulated.

The site selected has all the necessary qualifications, besides holding the priceless distinction of being part of the ancestral homelands of the Father of this Country, who was also the father of American aeronautics and the first head of a nation to officially urge a nation to support scientific effort. Equally historic is the balance of the land, being the estates of George Mason, neighbor and friend of Washington, and author of the Nonimportation Resolutions, Fairfax Resolves, Virginia Bill of Rights, and other documents that opened the way for the Declaration of Independence.

12. It will interest you to know that we visited and surveyed over 60 large cities and have ascertained that not one affords such ideal facilities for a great air center as we have here at the gates of the Nation's Capital. In most cases they have difficulties in supplying a few hundred acres of suitable land for an airport from 10 to 30 miles away from the city, and they are all worried over the fact that they are too small and planes must be kept in the air from 10 to 15 minutes waiting for the runways to be cleared for landing. During a recent air survey of Chicago in which Lincoln Ellsworth and the writer participated, we were advised that their \$2,000,000 airport was already so inadequate that planes often had to be kept flying overhead for 10 minutes waiting for runways to be cleared for landing.

13. Few cities have a thousand acres available for a substantial air junction, so they will be confined to having only airport facilities for local needs. An air junction must be a central place where air lines, airways and air routes meet and air traffic and air travelers may

change from one mode of transport to another, and must be central in relation to the route of future national and international airways and accessible to many centers of commerce, in addition to supply the airport facilities for a city.

The site of the Washington air junction is so favorably and centrally located as to make it a natural air junction for 40 airways connecting with the centers of commerce of the United States and the future trans-Atlantic and trans-Pacific airways, as well as for making train and motor-bus connections for all points. The Washington and Richmond busses stop at the air junction entrance.

14. Having over 2,000 acres, the Washington air junction has ample space to accommodate large airships, and for general experiments with lighter-than-air and parachutes, which will be in charge of the noted pioneer, A. Leo Stevens who, with the late Captain Baldwin, built the first airship used by the United States Army 20 years ago and had charge of lighter-than-air equipment and training during the war. Mr. Stevens was the inventor of the parachute pack adopted by the United States Army.

The highest authorities agree that preliminary training in lighter than air is necessary to teach pilots of planes the ways of the winds. Many accidents to pilots of planes are due to the pilots undertaking to fly without knowledge of the ways of the winds, which can best be learned with lighter-than-air craft. Such a school will be established at the Washington air junction.

15. A section of the Washington air junction appears to be especially adapted for making gliding flights with motorless planes. It is away from the runways to be used by the planes and from the section to be used for lighter-than-air craft, and has a hill suitable for launching gliders. This is important, as pilots of planes should be trained in the art of gliding to aid them in landing their planes when the motor stops or is shut off. Such training will prevent many of the accidents that take place on making landings.

16. It is also planned to have a section of the air junction for testing and demonstrating all sorts of devices and inventions tending to improve aircraft and promote safety and economy in flying. Manufacturers and inventors have suggested that if such tests and demonstrations are made on Saturday afternoon their experts will be able to attend them every week, whereas on other days it would not be so convenient. Therefore it has been decided to hold such tests on Saturdays, on which occasions the International Science Forum will hold conferences at which experts will discuss the vital problems that must be solved to make air travel safe and economic.

17. Thus the city of Washington will have the world's best airport and a scientific center without cost. It has been suggested that the District of Columbia may desire to have a section of the air junction as a municipal airport for the air mail, therefore we assure you that we shall stand ready to do here as we did in Richmond. There, as in this case, the postal authorities served notice that the air mail would be sent by another route unless the city provided a municipal airport, but the city did not have then the funds required for such an undertaking. Thereupon Col. A. A. Anderson and Mr. Henry Woodhouse acquired the best site available, a tract of 1,268 acres located near Seven Pines, and within 60 days sufficient land was conditioned for planes to land and take-off. The use was extended free to the Post Office Department, the War Department, Navy Department, and the Department of Commerce. Subsequently, when the city made provision for acquiring 300 acres, it was made available at the same price at which it had been bought, as Messrs. Anderson and Woodhouse declined to profit from the transaction.

The same policy will be applied in the case of the District of Columbia. We shall make available the facilities without expectation that the District will purchase any of the land, but if it is desirous of owning its own municipal airport, then we shall gladly make the land available at purchase price, as we do not desire to make any profits, but only to aid in supplying the Nation's Capital with a suitable airport.

18. Besides its importance as the Nation's Capital, Washington has great importance from an aeronautic standpoint on account of having a permanent population of 528,000, with approximately another 100,000 from neighboring communities—Alexandria having 18,000 inhabitants, Fairfax County 22,000. This means that aerial transportation facilities must be supplied for 600,000, besides a large transient population.

The special needs for speedy communication and transportation of officials and representatives of States, cities, and industrial establishments having interests in Washington are many, since it is here that the business of running the Nation is conducted, which includes the spending of appropriations which amount to \$4,328,000,000 in 1929, and handling almost as large a sum in receipts, making a round turnover of \$8,000,000,000 annually!

Since this enormous sum is collected from and spent throughout the Nation, hundreds of cases arise daily where aircraft can be used to advantage to gain time in the transportation of people, bids, contracts, remittances, statements, and so forth. So we may anticipate that hundreds of aircraft will fly to Washington on such missions, which will use the air junction as their terminal.

19. Army and Navy officers, to whom we have stated that the use of the Washington air junction will be extended to different Government departments, have advised us that the air junction will solve a serious



problem with which they have been confronted on account of Bolling Field being flooded or fog-bound from 50 to 100 days of the year, when flying is impossible. Their study and the data furnished by the Weather Bureau show that the Washington air junction site will be free of flood or fog when the Bolling Field is flooded or fog bound. Therefore the Army, Navy, Marine Corps, Department of Commerce, and other Government aviators will be able to fly on those days by using the air junction, which is outside of the flood and fog zone.

20. Having level runways of over one mile length, the air junction will be able to solve the difficult problem created by the limited space available at Bolling Field, which does not allow sufficient runways and clear surroundings for large, heavily loaded planes. These can use the air junction and no charge will be made for the use.

21. One aspect which adds to the desirability of using the air junction as the Capital's central airport is that the planes need not fly outside of the 2,000 acres when taking off, or flying in tests, as is the case in smaller airports, and in parachute tests there is no danger of the parachutes drifting outside of the safety zone.

22. A preliminary survey has shown that all these activities can be conducted without the necessity of cutting any of the beautiful trees that form attractive groves on the north and south ends of the Washington air junction. This is most gratifying because these are the groves mentioned by George Washington in his diary, in which he gives accounts of the occasions when he and members of his family and notables of his time went hunting in those groves.

These historic groves will be carefully preserved, but will be open to the public.

23. In making the preliminary surveys we found evidence of plenty of animal life, including quails, foxes, rabbits, and smaller game. One of the surveys through these beautiful groves was made while airplanes were flying over the trees and we noted that the quails and animals were not disturbed by the flying. Therefore a sanctuary for birds and animals can be established by forbidding hunting.

24. We shall be glad to show you the detailed plans for the Washington air junction and to escort you through these historic lands whenever it is convenient to your experts to inspect them.

25. While the decision to carry out the plan ourselves on such a gigantic scale is recent, the planning of this project goes back many years, and represents the thought and opinion of many Washington officials as well as civilian experts. The first proposal to have a flying field for Washington was made by Mr. Henry Woodhouse in December, 1916, at the city planning conference of the American Civic Federation at which he was a delegate, appointed by the Governor of the State of New York.

Thereafter Rear Admiral Robert E. Peary, discoverer of the North Pole and founder and president until his death of the Aerial League of America, Rear Admiral Colby M. Chester, the first admiral to fly, and other pioneers consulted with members of the Commission of Fine Arts, Institute of Architects, the Office of Public Buildings and Grounds, the Municipal Architect, the District surveyor, the Highway Commission, the Federal City Committee of One Hundred, the Capital Park Commission, the Committee on Plan of Washington and Environs, the Senate and House Committees on the District of Columbia, the Federation of Citizens Association, the War, Navy, Treasury, Post Office, and Commerce Departments, the District Commissioners, the engineer commissioner, the Director of Public Buildings and Public Parks, and other departments and bodies having possible interest in the subject, including the business organizations. The project is the outcome of all these authoritative opinions.

26. The fact that planes have been landing on the air junction site for the past two years—therefore aircraft can be accommodated immediately—is important in view of the pressing need for airport facilities for the District.

However, work will be started at once to make the improvements necessary to accommodate the hundreds of planes that may come on Washington's Birthday, February 22, and Inauguration Day, March 4. Therefore the hundreds of planes that were kept from flying to the Capital in recent celebrations because there were no landing places for them may now come to the air junction.

In view of the fact that Washington was first to express belief that aerial navigation would be beneficial to mankind, it will be most appropriate to have air pilgrimages from different cities to the Washington air junction and to Mount Vernon on Washington's Birthday.

Assuming that only 5 per cent of the 400,000 people who have been visiting Mount Vernon annually will use aircraft now that facilities are provided for landing at the air junction, there will be from 2,000 to 4,000 planes landing here in the course of the year in addition to the regular air traffic.

27. Assuring you that we and the public-spirited groups who will cooperate with us in realizing this great project appreciate the privilege of contributing toward making the Nation's Capital the world's greatest center of air and scientific activities, and of building another worthy monument to the memory of George Washington, I remain

Sincerely yours,

HENRY WOODHOUSE,  
President of the Aerial League of America,  
Chairman of the International Science Forum.

#### PRICELESS GEORGE WASHINGTON MEMORABILIA WILL BE EXHIBITED AT AIR JUNCTION

In addition to being a great center of aerial and scientific activities, the Washington air junction will be a shrine where there will be assembled and exhibited thousands of original letters and documents of the founders of this great Nation.

I have seen part of one of these priceless collections, owned by Mr. Henry Woodhouse, and have marveled at the wealth of precious memorabilia. It takes you back to the beginnings of the career of this Nation as if it were but yesterday and includes documents about all the important events up to the very latest, Commander Byrd's plan to fly to the South Pole.

The Hon. Wm. Tyler Page, of this House, who is the executive secretary of the United States Commission for the celebration of the Two Hundredth Anniversary of the Birth of George Washington, has considered another part of the collection of Washington memorabilia to be exhibited at the Washington air junction and has stated that he does not know of any other such collection in existence, at least in private hands.

Likewise, Prof. Albert Bushnell Hart, the eminent historian of the commission, who has traveled to different countries during the past two years to inspect Washingtonians, stated that there is not the duplicate of this collection anywhere in the world, and Mr. W. Lanier Washington, the hereditary representative of the family of George Washington, after inspecting this collection wrote to Mr. Woodhouse as follows:

WESTPORT, CONN., October 15, 1928.

MR. HENRY WOODHOUSE,

280 Madison Avenue, New York City, N. Y.

DEAR MR. WOODHOUSE: As the hereditary representative of the family of George Washington, I have had the opportunity during the past 40 years to examine, read, or consider the most important historical collections of the Washington and allied families; but I never believed that there was in private hands such a monumental collection of documents, records, surveys, etc., concerning the Washington, Lawrence, Lee, Fairfax, Fitzhugh, Byrd, Mason, Madison, Monroe, Penn, Franklin, and other families of the founders of this Nation as you have shown me.

Despite the efforts of many capable investigators it appears to never before have been possible to discover historic evidence establishing the identity of the Washingtons and their associations and the part they played in the outstanding events in continuity for about 10 centuries. You have accomplished it; and you have discovered so much regarding these historic personalities that you actually can present them in their proper relation to the events in which they participated.

With congratulations for your splendid achievement, I am,

Very faithfully yours,

W. LANIER WASHINGTON.

We get an insight into the wide research conducted, and the thousands of records secured and what we may expect to see at the air junction from the following letter from Admiral Chester:

JUNE 18, 1928.

MR. HENRY WOODHOUSE,

280 Madison Avenue, New York.

DEAR MR. WOODHOUSE: I have read the first chapter of your monumental work entitled "The Washingtons and Their Associations and Times Through Ten Centuries," and marvel at the wealth of historic documents you have discovered, not only about the Washingtons of a thousand years ago, but also about that period in the history when the British Isle was not yet an English speaking nation, but was the melting pot of races.

Your foresight in having had the originals of thousands of important documents and records photostated and in having bought sets of ancient histories and original records and documents whenever you had the opportunity, has given you the largest amount of data ever possessed by a historian. And your ability to read the original documents, whether in ancient Latin, Norman-French, or primitive English or Italian, enables you to discover historic facts that have escaped less fortunate historians.

I shall be glad to read the chapters and collaborate with you, making additions as they may occur to me. Accordingly, I would add to the part which tells how Britain was, at various times, under Roman, Celtic, French, Saxon, Anglain, Jute, Danish, and Norman rule, the following:

Thus the native Britons became the vassals and serfs of different foreign invaders in the first 10 centuries of our era because they lacked naval defenses, while the invaders had fleets.

The Romans subdued Britain and held it as a province for over five centuries because they had fleets. The Danes came near converting Britain into a Danish settlement, and ravaged it for many years, until Alfred the Great, who was the Washington of his time, built a navy and proceeded to attack the invaders at sea, giving them no opportunity to land. Thereafter he kept peace with a navy to ward off further invasion, a powerful system of national defense to prevent resident alien tribes from continuing their plundering, and by fostering of

industries to keep the people busy and prosperous, by the enactment of just laws, enforced without bias or favor, and by guiding the people to the understanding of literature, especially poetry and art.

It is well to mention that the first American frigate, commissioned in 1775, was named *Alfred* in honor of Alfred the Great.

Yours very sincerely,

C. M. CHESTER,

Rear Admiral, United States Navy, Retired.

#### KENMORE RECORDS TO BE ASSEMBLED AT AIR JUNCTION

Another patriotic act of these public-spirited groups has been their effort to assemble and secure for the Nation the records and memorabilia of Kenmore, the romantic home of Betty Washington, George Washington's sister, at Fredericksburg, Va.

After spending some years of her girlhood with George Washington, who was then a little tot, at their father's home on Little Hunting Creek, on a site which is now part of the Washington air junction, when this home burned the Washingtons moved to Fredericksburg, and Betty Washington, while still in her teens, married Col. Fielding Lewis and they lived on the beautiful Kenmore estate, happily, with a distinctive family, until their patriotism during the Revolution exhausted their resources. Col. Fielding Lewis financed the manufacture of guns and ammunitions for the Revolution, and as the Colonies were poor he and his family gave and gave of their own wealth and resources until they had nothing more to give. The beautiful Kenmore home was sold, and the family possessions, including the family records, were sold.

In true Washington spirit they sacrificed themselves so that the newly born Nation might survive! Therefore Kenmore is an emblem of that true patriotism that is the safeguard of nations, and everything that belonged to it should be preserved with care as a part of a sacred shrine.

As President Coolidge has aptly stated:

Kenmore should be saved for its own sake; it must be saved for patriotic America.

Kenmore was saved through the untiring efforts of the Kenmore Association and its leaders, Mrs. V. M. Fleming and her daughter, Mrs. H. H. Smith, and their associates, Mrs. Thomas H. Taliaferro, president of the Washington branch of the Kenmore Association, and the eminent sponsor, which include Gov. Harry F. Byrd, ex-Governor Trinkle, of Virginia, Col. David B. Devore, Dr. Charles Moore, Mrs. Anthony Wayne Cook, Mrs. J. Taylor Ellyson, Mrs. Percy Goodsell, Messrs. John Stewart Bryan, Mark Sullivan, Garr Melchers, James A. Emery, Arthur Meeker, Charles M. Lewis, Frank C. Baldwin, Miss Anna Marshall Braxton, Mrs. Robert M. Littlejohn, Mrs. W. A. Bell, Mrs. Benjamin A. Morton, Mrs. James Starr, Mrs. Harris B. Childs, Mrs. Oscar McKenzie, Mrs. Charles Metcalf, Mrs. Benjamin D. Heath, Mrs. P. L. Mann, Mrs. R. H. Caldwell, Mrs. Tunstall Smith, Mrs. Marshall Terry, Mrs. Leroy Habenicht, Miss Anne C. Jordan, Mrs. William H. Alexander, Mrs. C. O'Connor Goodrick, Miss Elsie W. Lewis.

Their inspiring appeals brought the donation from Mrs. Wylie Moore of the table which once belonged to the beautiful Nellie Custis and contributions from many patriots, among them \$1,000 from Mrs. Alfred Dupont, \$1,000 from Col. I. N. Lewis, and \$2,000 from Mr. E. G. Heflin.

But the priceless Kenmore records, bearing the signatures of Betty Washington, Colonel Lewis, and their sons, three of whom were aides of George Washington during the Revolution, had been lost, and it was as if the soul of this national shrine had been lost.

But they have been found. They had been sold and scattered among collectors, and no one knew where any one could be had. A number of these precious documents are owned by Mrs. William A. Bartlett, whose patriotic activities during the World War as chairman of the aviation committee of the National Special Air Society were recorded at pages 701 to 708 of the hearings before the Subcommittee on Military Affairs of the United States Senate, Sixty-fifth Congress.

Mrs. Bartlett, whose collateral ancestors included the illustrious signer of the Declaration of Independence, Josiah Bartlett, and the esteemed Member of this House, Jonathan Hunt, of Vermont, has agreed to make available these records, to be assembled first at the Washington air junction with the other Washingtoniana and ultimately to make them available to Kenmore.

Therefore the Washington air junction will have the additional importance that it will be the assembling place of the most precious historic memorabilia that can be assembled in this country.

#### COMMANDER BYRD AND LINCOLN ELLSWORTH RECORDS

The fact that George Washington was first in expressing belief that aerial navigation would become beneficial to mankind and that Commander Richard E. Byrd, the first man to fly to the North Pole, who is now on his way to the Antarctic, and

Mr. Lincoln Ellsworth, who financed and was a party in the first crossing of the Polar Sea, are descendants of the Byrds, who had been friends of the Washingtons since the early colonial days, and of Chief Justice Oliver Ellsworth, friend of George Washington, makes the past and the present interchangeable terms.

It makes it quite appropriate to have the hundreds of photographs and records bearing the signatures of these intrepid heroes of our generation side by side with the records of the Washingtons, Lees, Masons, and other patriots of those days when this great nation was in its teens.

As stated to this House in my address printed in the RECORD for February 25, 1927:

The first flight to the North Pole and the first crossing of the Polar Sea, from the Atlantic Ocean to the Pacific Ocean, via North Pole, are major achievements that will live in history through the ages, ranking with the historic accomplishments of Marco Polo, Columbus, da Gama, Vespucci, Magellan, Ross, Sir John Franklin, Peary, and Amundsen's discovery of the South Pole.

They represent a new epoch in the triumph of man's indomitable spirit over the forbidding elements.

We would be proud of these heroes of our generation, regardless of their ancestry; but we are doubly proud that their ancestors were friends of Washington and that they are demonstrating what Washington prophesied, that aerial navigation would be beneficial to mankind. It is inspiring to know that Washington's lands are to be used to aid in carrying out the substance of his vision and to solve the problem of giving an airport to the city which he founded and which bears his name!

SPEECH OF HON. JOHN Q. TILSON BEFORE THE YALE CLUB OF MONTCLAIR, N. J.

Mr. GARRETT of Tennessee. Mr. Speaker, it is the custom of the Yale Club, of Montclair, N. J., and vicinity, to give an annual dinner to the Yale football club, at which dinner it is also their custom to present to one of the distinguished alumni of Yale a present. It will be, I am sure, gratifying to the House of Representatives to know that at the annual 1928 meeting held last Saturday evening the one who received that present was our very eminent and worthy colleague, the majority floor leader, the Hon. JOHN Q. TILSON. [Applause.]

It is a very beautiful present presented to him, the famous Yale Bowl, and I violate no confidence in saying that it is now in the office of the majority leader, and I am sure Members will enjoy looking upon it.

It bears a most appropriate inscription, as will appear from its reading.

Upon the presentation of this gift Mr. TILSON made a most appropriate address, filled with wisdom, couched in most excellent English, discussing the philosophy of public life; and I am sure it will be not only interesting to all of us here but of wide public interest, and I ask unanimous consent to extend in the RECORD my remarks by inserting the invitation, which is quite unique, that was extended to Mr. TILSON; the inscription on the bowl, and the remarks made by Mr. TILSON on that occasion. [Applause.]

The SPEAKER. Without objection, the request of the gentleman from Tennessee will be agreed to.

There was no objection.

The matter referred to is as follows:

#### INVITATION

Beacon of truth uplifted  
Set in the northern sea  
While yet they live  
Thy sons shall give  
Honour and love to thee  
—Brave Mother Yale

JOHN QUILLIN TILSON '91  
is invited to attend the annual smoker and barn party of the YALE CLUB of montclair and vicinity in honor of CAPTAIN EDDY and his 1928 team—the party will be held saturday evening december 8th, at 8:30 p. m. in nick roberts' old yale barn at 87 high street—montclair—n. j. ----- mal stevens, tad jones, winnie lovejoy, bill webster and many other distinguished yale grads will be present. ----- presentation of the montclair yale bowl for 1928 to ----- JOHN QUILLIN TILSON '91 "He has made his Y in Life"



## INSCRIPTION

Rich in His Toil—Proud of His Deeds  
The Yale Club of Montclair and Vicinity  
Has Awarded the  
Montclair Yale Bowl of 1928  
to

JOHN QUILLIN TILSON '91  
"He has made his Y in Life"

SPEECH OF THE HON. JOHN Q. TILSON, REPUBLICAN FLOOR LEADER OF THE HOUSE OF REPRESENTATIVES, DELIVERED AT THE ANNUAL SMOKER AND BARN PARTY OF THE YALE CLUB OF MONTCLAIR, N. J., AND VICINITY, IN HONOR OF THE YALE FOOTBALL TEAM, ON SATURDAY EVENING, DECEMBER 8—THE MONTCLAIR YALE BOWL IS PRESENTED ANNUALLY TO SOME ALUMNUS OF YALE WHO "HAS MADE HIS Y IN LIFE"

Mr. Toastmaster and fellow Yale men, I should be less, or more, than human if I did not respond with a feeling of appreciation to your generous act in picking me out from the great Yale brotherhood for this signal mark of honor and distinction as a Yale man who has won his Y after leaving college. It has taken me somewhat longer to earn my Y than it did these husky youths here to-night who wear the varsity letter so worthily, but I am all the more rejoiced to receive it now in what may possibly prove to be the last quarter period of the game. However, I can assure you that even though it should prove to be the last quarter, there is going to be some hard playing done before the final whistle blows.

Having at last made my Y in a particular field of activity, it may be expected of me to tell you something about how I did it, or at least tell you something of how the game in which I have won my Y is played. There is some risk in doing this, because, as you are well aware, other people always know so much more about the game than you know. Did any of you football men ever notice how many fellows there are comfortably seated in the grandstand who always know very much more about every play than you know? It is the same way in public life.

All the college professors and tutors, all the preachers, all the hack-writers for newspapers and magazines, all the barbers, bootblacks, and even the street-corner loafers know more about legislation and how the affairs of the Government should be conducted than I know after nearly a quarter of a century in the public service. I know this to be true, for they have told me so many times. I, therefore, have a feeling of hesitation in attempting to carry coals to Newcastle to enlighten you, who, by all the rules of the political game, already know more than I can tell you. Were I an entertainer it would be easy for me, for in the service of the public I have encountered many things humorous and some ridiculous, but entertaining is not in my line. I never could tell a story successfully. In fact, I have often found difficulty, as perhaps some of the rest of you have, in making even my own wife believe some of my best ones. As a last refuge I am thrown back upon the necessity of either saying something about my work, or of exposing the committee who selected me for this honor, to the charge of misfeasance in office for not dropping me from the squad instead of giving me my Y.

For 22 years I have served my State and Nation in a legislative capacity, the last four years as floor leader of the House of Representatives at Washington. During this time I have seen several thousand men come and go, and thus have had opportunity for forming a judgment as to why they came and why they went, and what are the qualities that caused them to go or to stay. The popular idea of a successful career in politics pictures a man of no fixed ideals, infirm of character, an opportunist, quick to catch every passing breeze that blows, and thus to retain his hold on popular favor. Nothing could be farther from the truth or more inaccurate as a characterization of the man in public life who arrives and abides. Character is the sine qua non of the useful, effective public servant. High ideals are necessary—ideals so lofty that no prize, however great, is worth giving them up. With a genuine love for one's fellows, and an earnest desire for their approbation, the true servant of the people must be ready and willing to earn their displeasure, if necessary, in order to hold to what he thinks is right.

Men possessing the high qualities just described usually find their true place in positions of responsibility and trust and there serve well their day and generation. Such a man now serves this fortunate land of ours in its highest office, while another such man, fully measuring up to the specifications, stands called ready to take his place on March 4 next. These are conspicuous examples; but in places less exalted, though of great importance and responsibility, all the way down the line, stand those possessing in some measure the same qualities, to whom public service is a matter of the highest trust as well as a sacred duty. Such public servants, possessing character and fidelity to their high trust, maintain their ideals, however arduous and difficult the given task may be, and these are the ones upon whom the most responsible tasks usually devolve. These are they who in the last analysis make our Government and its institutions something in which all its citizens may well feel a just pride.

There are, of course, the other kind of public men. Like Athene, springing from the brain of Zeus, they usually burst forth full grown, or at least they rarely grow larger, but, seeking front-page notoriety, for a season display themselves in the spotlight whenever possible, and then pass off the stage, usually unhonored, unwept, and unsung.

Yale has always stood for the finest spirit of devotion to the public service. For this reason it has seemed fitting for me to dwell for a moment upon the type of public servant which a Yale man has found to prevail among his fellows in public life, and which I believe to be the type that fitly represents the spirit of our alma mater. I wish you, as fellow Yale men, to get the idea that our Government at Washington, including the present Congress which convened last Monday, is in the last analysis, in spite of what jokesters and wise-crackers may say, dominated and in large measure controlled by such men as I have described, who do their work—the work of serving the welfare of the entire country—in what we rejoice to believe is the true Yale spirit. The men who are charged with the gravest responsibility at Washington need the support, backing, and constructive criticism of such men as are gathered here to-night to represent old Yale. They are only hindered in their task by unjustifiable criticism and abuse, but are greatly heartened by the encouragement of thoughtful people.

A number of difficult problems confront the Congress as we meet. No one more keenly realizes their difficulty and their importance than I as leader of the responsible majority in the House. The most difficult problem always for any Congress is to prevent raids upon the Treasury. I do not mean this in any sinister sense. There is no danger of crookedness or corruption in this connection, but there is always present the temptation to yield to the clamor and insistence of interested minorities for larger and ever larger expenditures of public funds for real or fancied needs.

For a number of years the farm-relief problem, like the poor, seems to be always with us. The greatest difficulty in reaching a solution is to agree upon the remedy to be applied and to be reasonably sure that the remedy is not worse than the disease it is sought to cure. My own belief is, and has been for some time, that there is no complete panacea that will cure all the ills of agriculture, but that helpful measures may be agreed upon as the special need for them may develop, and that these might well be acted upon without delay even at the present session. As to this being done, however, I am none too hopeful so far as the present short session is concerned.

Somewhat closely related to farm relief and as a part of it is the demand for a revision of our tariff laws. It has been seven years since our present tariff act was written. Conditions in some industries have changed, and our tariff laws should be changed to meet the changed conditions. It need not be a drastic revision or one that will in anywise disturb legitimate business. In fact, it should encourage business to know that protection to American industries has been at last accepted by all political parties as the permanent tariff policy of the country. Plans are already under way to go forward with the preliminary work necessary for such a revision, and I am glad to say that a fine spirit seems to prevail in connection with this work, so that there is a possibility of seeing the tariff revised with more of constructive study of the facts and less of partisan rancor and play for party advantage than ever before in tariff history.

Another effort will be made to reapportion representation in Congress on the basis of the 1930 census, in accordance with the letter and spirit of the Constitution. For eight years this solemn duty has been neglected because of the unwillingness of certain States to lose in their congressional representation. I now have hopes that the effort soon to be made may this time be successful.

The subject of the national defense is always an important one. At this session of Congress the principal contention will probably center around the proposal for additional cruisers. It seems to be agreed that our Navy is lacking in this regard; but the real controversy will probably be between those on one side who believe that all Navy construction should cease as an example to other nations, regardless of their action, and on the other side those who believe that prudence and common sense demand a Navy adequate for our own purposes. As for me, there is no trouble whatever in giving my adherence to the latter view.

Two special problems have arisen growing out of the development of hydroelectric power and flood control. The development at Muscle Shoals in the Tennessee River was entered upon as a war measure to procure nitrates from the air. Much money has been expended there, but the net result is an incomplete power possibility, unprofitable to the Government in its present state and very difficult to dispose of satisfactorily. If a suitable offer should be forthcoming the legislation necessary to its disposition would probably be enacted.

A proposition to erect a high dam in Black Canyon to control the flood waters of the Colorado River, provide for a future water supply for the cities of southern California, and the incidental development of water power was embodied in a bill that passed the House at the last session and is now pending in the Senate. A special commission appointed for the purpose made a study of the matter during the recess of Congress, and it is hoped that during the present session some satisfactory disposition may be made of this matter, with due regard to

the rights of the States most immediately interested and without putting the Government into the power business.

There are, of course, a number of other matters to which Congress must and will give attention during the present session, but most of the principal ones have been mentioned. The Senate has additional work to do in the consideration of the Kellogg peace pact and other treaties, the Constitution having given to that body the control over all foreign relations.

On the whole it looks now like an interesting short session of Congress, and probably an extra session some time next spring to deal with the tariff and farm-relief questions. I believe that the best interests of the country would be served by such a program, but whether this particular plan is carried out, or some other, I look forward to the immediate future with a feeling of confident optimism. Our Government is and will continue to be in good hands. I call upon you as good Yale men, loyal to the traditions of our great university, to give your best to uphold the hands of those who for the time being are charged with the responsibility of administering the affairs of our great Nation, for though we may be partisans—and I, myself, am a loyal party man—we are first, foremost, and always patriots.

To you, Mr. Roberts, and to your fellow members of the Yale Club of Montclair and vicinity, I wish to express my deep appreciation and heartfelt thanks for a most delightful evening, and especially for this handsome silver bowl bearing its flattering legend to the effect that I have made my Y in life. I shall treasure it as long as I live and hand it down to my dear boy in the hope that it may serve as an added stimulus to him to make in due time his own Y in life.

#### RESIGNATION OF A MEMBER FROM COMMITTEES

The SPEAKER laid before the House the following letter:

DECEMBER 10, 1928.

HON. NICHOLAS LONGWORTH,

*Speaker of the House of Representatives,*

*Washington, D. C.*

DEAR MR. SPEAKER: I hereby tender my resignation as member of the Insular Affairs Committee, Election Committee No. 3, and Committee on Territories, the same to take effect immediately.

HEARTSILL RAGON.

The resignation was accepted.

Mr. GARNER of Texas. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

#### House Resolution 256

*Resolved*, That HEARTSILL RAGON, of Arkansas, be, and he is hereby, elected a member of the standing committee of the House on Ways and Means.

The resolution was agreed to.

#### CONGRESSIONAL COMMITTEE TO ATTEND TWENTY-FIFTH ANNIVERSARY OF THE FIRST AIRPLANE FLIGHT, KITTY HAWK, N. C.

Mr. SNELL. Mr. Speaker, I am sending to the Clerk's desk House Joint Resolution 332 and ask to have it read, and I will state that I intend to prefer unanimous-consent request for its immediate consideration.

The Clerk read as follows:

House Joint Resolution 332, Seventieth Congress, second session  
Joint Resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

Whereas on December 17, 1903, Wilbur and Orville Wright astounded the world by making the first successful airplane flight at Kill Devil Hills, Kitty Hawk, N. C.; and

Whereas the Congress of the United States has passed an act authorizing the erection of a memorial at Kitty Hawk, N. C., to commemorate this great epoch in history, the corner stone of which is to be laid on December 17, 1928, the twenty-fifth anniversary of the first flight; and

Whereas the delegates attending the International Aeronautical Conference called by the President in Washington will attend in a body the exercises to be held at Kitty Hawk, and the National Aeronautic Association will unveil a tablet to commemorate same, Orville Wright, the surviving brother, being the guest of honor; and

Whereas it is both fitting as well as the desire of the Congress to be represented on said occasion: Now, therefore, be it

*Resolved, etc.*, That a committee composed of six Members of the House of Representatives and three Members of the Senate shall be appointed by the Presiding Officer of each House to attend said celebration at Kitty Hawk on December 17, 1928, the necessary expenses of said committee to be paid out of the contingent funds of the House and Senate.

Mr. SNELL. Mr. Speaker, there is just one line in this resolution that takes it out of the privileged class; but knowing there was no objection, or believing there was none, on the

part of the House, and after consulting with members of the Accounts Committee, to which the expense account usually would be referred, I thought it best to try to get this up by unanimous consent, and I now ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from New York asks unanimous consent for the immediate consideration of the resolution. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

The SPEAKER. House Joint Resolution 342 will lie on the table.

Mr. SNELL. I was going to ask that House Joint Resolution 342 lie upon the table.

#### SETTLEMENT OF INDEBTEDNESS OF THE HELENIC REPUBLIC TO THE UNITED STATES

Mr. SNELL. Mr. Speaker, I now present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

#### Resolution 254

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10760, to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker and gentlemen of the House, the resolution itself needs no explanation. It does provide for the consideration of a most important matter. As far as the resolution itself and a consideration of the measure at this time I do not understand there is any opposition from either side of the House, although there is opposition from certain quarters to the settlement as proposed under the conditions of this bill. I think it is most important that the Members of the House fully understand all the provisions of this settlement and know well all the conditions that lead up to the present time. It is natural at first blush for anyone of us, and I am frank to say that was my original opinion, that we do not want to send any more money abroad, and we do not want any more foreign loans.

While I do not intend to discuss the detailed merits of the claim I do want to present in a very limited way the facts that led up to the condition that confronts us at this time. In the fall of 1917 the combined allied forces appreciated the fact it was necessary to put additional fighting forces on the eastern front, and after a meeting with the Greek people the representatives of the Greek Government—and the Greek Government at that time was friendly to the allied cause—they entered into a tripartite agreement on February 10, 1918. That agreement roughly is this: That if the Greek Government would put nine complete divisions in the field on the eastern front, would spend 750,000,000 francs for ammunition, salaries, and the feeding of these divisions, that the countries of the United States, Great Britain, and France would furnish a definite credit to the Greek Government in the amount of 750,000,000 francs. To show that that was a definite complete agreement that was made at that time the Greek Government gave to each one of the members of the tripartite agreement their definite promise to pay 250,000,000 francs each. That definite agreement on the part of the Greek Government to pay the United States that amount of money is now in the Treasury of the United States, and there was at that time upon the books of the Treasury of the United States a definite credit to the Greek Government, or, in other words, it was practically the same situation as if an individual member discounted his note at a bank and the bank credits his checking account in the sum of 250,000,000 francs.

The reason we made that agreement with the Greek people at that time was for the purpose of their putting these additional forces in the field. That was the reason for making this agreement, and while there may be opposition at the present, no one has ever doubted the fact that Greece, so far as putting those divisions in the field and protecting the eastern front, has ever been criticized. Greece actually delivered the goods



we agreed to pay for at that time, and the United States has received full compensation for the money there promised. The only opposition comes from the fact of some legal matters corollary to the main agreement which have not been strictly lived up to by the Republic of Greece. As I look at the whole situation, it is a moral obligation, and in the present world affairs the Government of the United States can not afford in any way to quibble or back out of its original agreement. This is a very important matter and will be discussed thoroughly by different Members of the House, and it is very important each Member should stay here and listen to the entire argument.

It is important in connection with our foreign affairs. We have remained isolated to a certain extent; but, on the other hand, we can not afford, while we are trying to collect our ten billions of foreign loans, to be negligent as to this claim from a weaker nation or in any way give foreign nations an opportunity to criticize our fairness or honesty. To a large degree there is a moral responsibility in collecting all our foreign loans, and we can not afford to quibble, so far as our position is concerned, on this very important agreement with the Greek Republic, which involves a matter of about \$12,000,000, especially when the main question of the agreement is beyond dispute.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. ABERNETHY. Since the Debt Commission has ceased to function, I assume that all these matters are now carried out by the Treasury Department. Is that correct?

Mr. SNELL. The Treasury Department has had informal meetings with the commission, and the commission are practically united. They all agree except the gentleman from Georgia [Mr. CRISP]. That is the reason why the matter is referred back to Congress for settlement.

Mr. ABERNETHY. Can the gentleman tell us whether any effort has been made by the Treasury Department in reference to the payment of the indebtedness of France to this country?

Mr. SNELL. I can not give any information on that at this time. So far as I know, there is no opposition to the adoption of the rule or to the consideration of this bill at this time, and unless the gentleman from North Carolina [Mr. POWELL] wants time, I will move the previous question on the resolution.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. GARNER of Texas. I would like to make the request that each Member of the House, if he finds the time, will send and get a copy of the report on this bill. It is very exhaustive and gives all the facts.

Mr. SNELL. I think that suggestion is very timely. I move, Mr. Speaker, the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; and pending that, I make the point of no quorum.

The SPEAKER. The gentleman from Oregon moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10760. The question is on agreeing to that motion.

The motion was agreed to.

Mr. HAWLEY. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Michigan, Mr. CRAMTON, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10760, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10760, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918

Be it enacted, etc., That the Secretary of the Treasury, with the approval of the President, is hereby authorized to conclude an agreement for the settlement of the indebtedness of the Hellenic Republic

(hereinafter referred to as Greece) to the United States of America under the terms and conditions as set forth in Senate Document No. 51, Seventieth Congress, first session. The general terms of the agreement shall be as follows:

(1) The existing indebtedness amounting to \$18,125,000 shall be funded over a period of 62 years. The computation of this indebtedness is set forth below:

Principal amount of obligations to be funded	\$15,000,000.00
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4½ per cent per annum	744,333.79
Total principal and interest accrued and unpaid as of Dec. 15, 1922	15,744,333.79
Interest thereon at 3 per cent per annum from Dec. 15, 1922, to Jan. 1, 1928	2,383,588.88
	18,127,922.67
To be paid in cash by Greece upon execution of agreement	2,922.67
Total indebtedness to be funded	18,125,000.00

(2) The bonds aggregating in face amount \$20,330,000 (the existing indebtedness, as computed above, together with the interest to be paid in respect thereof) shall be paid in annual installments beginning July, 1928, up to and including January 1, 1990, on a fixed schedule, subject to the right of Greece to make such payments in 3-year periods, any postponed payments to bear interest at 4½ per cent per annum, payable semiannually. The amount of the first annual installment shall be \$40,000, the annual installment to increase to \$350,000 in the eleventh year, which shall be the amount of each remaining annual installment.

(3) In addition to the payment of the bond maturing on January 1 or July 1 of any year, Greece shall have the right on such dates to make payments on account of any unmatured bonds of this series under such conditions as to notice or otherwise as the Secretary of the Treasury may prescribe.

(4) Any payment may be made at the option of Greece in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

(5) To assist in the completion of the work of the Greek Refugee Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation "Purchase of obligations of foreign governments," established under authority of the Liberty bond acts, the sum of \$12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years.

(6) Greece shall, in accordance with the exchange of notes, dated January 18, 1928, between the United States and Greece and as set forth in Senate Document No. 51, Seventieth Congress, first session, furnish as securities for the loan referred to in paragraph (5), the excess of revenues under the control of the International Financial Commission, and shall procure the assurance of the service of the loan by that commission.

(7) Greece shall forego all claims for further advances under the tripartite loan agreement, dated February 10, 1918, and such agreement, so far as the United States and Greece are concerned, shall terminate upon the date on which the agreement authorized by this act becomes effective.

Mr. HAWLEY rose.

The CHAIRMAN. The gentleman from Oregon is recognized as in charge of the time for 1 hour and 30 minutes.

Mr. HAWLEY. There was a commission appointed in this country known as the Debt Funding Commission which had charge of the settlements between this country and our former allies. A Member of this House, the gentleman from Ohio [Mr. BURTON], was a member of the Debt Funding Commission and sat through all its sessions, including that which had to do with the Greek debt. He heard all the evidence at first hand, and since the expiration of the term of that commission he has sat with other members as a voluntary committee on the same subject. I yield to the gentleman from Ohio 30 minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for 30 minutes.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, both the House of Representatives and the country have reason for sincere congratulation because the settlement of debt from foreign countries arising out of the World War has come so near to a conclusion. When we realize the vastness of those transactions involving more than \$10,000,000,000, the intricacy of the transactions, the delicacy of negotiation which must be maintained in dealing with foreign countries, and the further fact that payments are being made on most of the settlements, and that there has been no demur from responsible officials of any foreign country with which we have made agreement, I think the country and the House are to be congratulated.

The Debt Commission have completed practically all settlements except with Armenia, which has disappeared from the map, and with Russia, which has repudiated the obligation; and while the House passed provisions for settlement with France, action in the Senate was delayed and France has thus far refused to agree to the terms agreed upon by her minister. There must be a further settlement with Austria. But that is merely a modification of an agreement already made.

But there remains a settlement with Greece, and that is the subject of our discussion to-day. And I can say to the House that, having been a member of the commission for four years, from April, 1922, to May, 1926, and participating in all the agreements, there is none for which I am more anxious to obtain the approval of the House than this proposed settlement with Greece. To reject it would be, in the first place, unbusinesslike and in violation of not only a moral but a legal agreement, in my judgment. It would be altogether unworthy of this country, because the agreement is fair in its terms to the United States and is in fulfillment of obligations upon which we solemnly entered.

Now what are the circumstances? Up to 1917 there was an alternation in Greece of friendship for the Allies and friendship for Germany.

Her sovereign, King Constantine, a relative of the Kaiser, was altogether friendly to the cause of the Central Powers and even went so far as to allow the occupation of Greek territory by those who were acting on their behalf. But in 1917 the administration was friendly to the Allies. Our own country had entered the war, and it was suggested that one of the very best areas in which to make a drive upon the Central Powers was from Greece, against Bulgaria, which was in alliance with Germany and Austria. Negotiations were conducted, which lasted for a considerable time. Our commissioners abroad, General Bliss and Mr. Crosby, recommended that we give financial support to this drive. France and England agreed to furnish 600,000,000 gold francs for the equipment of a Greek army, which it was proposed should be increased from three to nine divisions.

That amount of 600,000,000 francs, approximately \$116,000,000, was furnished by France and England, and there does not seem to this day to have been any repayment. Concurrently with this advance by England and France an agreement was entered into, which was solemnly approved by our Government and had the especial approval of President Wilson, that the three powers—Great Britain, France, and the United States—should each advance 250,000,000 gold francs, in all 750,000,000, for the support of this army in the field. The 600,000,000 francs were virtually for equipment and preparation, the 750,000,000 for maintenance while engaged in military operations. Greece was at that time entirely solvent, and the drachma, equivalent to the French franc, was as good as gold. It was agreed that these amounts so promised should be advanced by the Bank of Greece, but that when their balances with foreign powers—that is, of the Greek Government and the Bank of Greece—should fall to 100,000,000 francs they might call on the respective Governments for the advance of a part of the 750,000,000 francs, and that six months after peace was declared the balance should be due.

Let me call attention to the fact that while a great deal has happened since that fateful year of 1918 I wish you to concentrate your attention on what was done then in pursuance of that agreement which was agreed upon on the 10th of February, 1918. Greece complied with the agreement; the amounts were advanced by the Bank of Greece; she increased the number of her divisions to nine, and in conjunction with the French and others she marched upon Bulgaria and won a very notable victory.

On this subject I wish to read briefly from the account of historians who have described the part of Greece in the war. The agreement was made, as I have said, February 10:

Throughout the winter and spring of 1918 the Greek Army was reorganized and reequipped, and on the Macedonian front Greek troops gradually replaced British and French troops recalled to the western front—

Where they were sorely needed—

until the new Greek Army had been so greatly increased that it represented the largest allied contingent.

The Greek nation, having at that time slightly less than 5,000,000 people, raised 250,000 soldiers for this expedition, and on the 30th of May they won a preliminary battle. Now comes the great fight.

September 16, 1918: Beginning of the allied offensive on the Macedonian front, which culminated in the decisive allied victory. The allied armies were composed of 9 Greek divisions, 8 French, 5 Serbian,

4 British, and 1½ Italian. Both Franchet d'Esperey (commander in chief of the allied armies in Macedonia) and General Milne declared that the Greek Army had proved a decisive factor in the victory. The British general said: "Without the aid of the Greek forces, the present victory could not have been obtained."

September 29, 1918, barely two weeks after this victory, Bulgaria, crushed and humbled, sued for an armistice, and it is no exaggeration to say that was the beginning of the end. General Ludendorff in his memoirs, wrote:

There were no illusions about the seriousness of the situation created by the collapse of Bulgaria.

Count Burian, Minister for Foreign Affairs for Austria-Hungary, declares: "Fate took its course. When the Balkan Army with the newly enrolled Greek troops developed a strong offensive, the Bulgarian troops fled. A terrible experience for the veteran army accustomed to victory, it was a shattering blow, not only to the weakening morale of the other armies in the field, but also to the morale of the people at home.

"In dealing with the military situation, the Central Powers took steps to establish a new shortened front against the advance of the Entente troops through Serbia. In this they were not successful, as the following days soon showed. Nothing could now check the unrestrained development of events within the monarchy and Germany, which now took their headlong course, under the influence of a kind of panic that everything had been lost."

October 30, 1918: Armistice signed between the Entente Allies and Turkey.

I have described this at some length to show how much the Allies and how much the United States owe Greece for the conclusion of the terrible struggle. That comparatively small country put 250,000 troops in the field and, according to the military authorities and the admissions of their allies, without them this decisive victory, which was the entering wedge for the final conclusion, could not have been gained.

So I say it is not for us to quibble over technicalities in reaching a conclusion.

Now, what is the record? The six months after the conclusion of peace had not expired, indeed, when the Greek delegation came to see us they conceded that peace, so far as the United States was concerned, was in July, 1921, when President Harding issued his proclamation with regard to the close of the war, but the amount of Greek balances abroad which had sustained the exchanges gave them, under their agreement, the right to call upon the United States, which they did.

The total amount which was to be lent to Greece, 250,000,000 francs, by the United States was entered on the books of the United States Treasury as a credit and that entry remains to-day as a credit to the Greek Government. The Greeks presented their obligations to the United States for these amounts and those obligations, over against the entry, are in the Treasury Department to-day. We began by making advances to them of \$5,000,000 in three separate installments. I will give in my remarks the exact dates and, Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BURTON. I have the exact dates here. The first was on December 5, 1919; the next on January 30, 1920, and the next on September 11, 1920. There was a supplemental agreement, which I think, however, has little to do with this, to the effect that the advances should be made on purchases in the United States. It does not seem that either our Government or that of Greece has ever insisted upon the fulfillment of this agreement, and it must be conceded that the minutes in regard to purchases have not been taken care of by either country.

Now, the course of Greece has been along a stormy road. There was the difference between Constantine and Venizelos, leading to the abdication of Constantine. Then, with that reaction or alternation, which is characteristic of some popular governments and not entirely absent in our own, there was a reaction against Venizelos, and Constantine was called back to the throne. He came to Athens on the 19th of December, 1920, and assumed the crown. Immediately, France and England refused to recognize his government.

Naturally, negotiations in regard to these balances due Greece were suspended during the time of an unrecognized government, which lasted from December 1920, until January, 1924.

Our own Government, following the course of France and Great Britain, also refused to recognize the government of King Constantine, and that refusal continued during military dictatorships following his rule, and we did not resume relations until, as I have said, January, 1924.

In the meantime a compromise was made with Great Britain, under which she recognized her obligation for the payment of



this 250,000,000 francs. France, however, has not recognized her obligation nor paid any part of the amount agreed upon by her.

Now, the argument will be made that because Great Britain and France did not fully comply with this, we are released. I want to say to my colleagues that I do not think this argument should prevail with the Government of the United States. The agreement was several rather than joint. Each was to advance 250,000,000 francs. It may be said, without fear of contradiction, that we are much more able to comply with the agreement to pay the amount than either England or France, and with all due respect to these countries, I do not think that in the settlement of obligations with foreign peoples, we should pattern after any other country. We should rather have a standard of our own which should be characterized by the strictest regard for our engagements, and added to that, a spirit of generosity to a suffering people.

The officials of the Wilson administration, even after the coming of King Constantine, recognized our obligation. On this I will read briefly—and I do this in part as an appeal to my democratic friends—what was the attitude of the Wilson administration as to our obligation to meet this promise to Greece.

Under date of December 31, 1920, the Department of State wrote to Assistant Secretary Kelley, of the Treasury Department, who had charge of foreign loans:

The President was informed by letter dated December 25, of the inquiry made by the Treasury. He has expressed his concurrence in the recommendation made by this department that the credit obligation negotiated with the Venizelos Government (referring to the credit of \$38,000,000) should be considered as still binding on this government and that the chargé d'affaires, on proper application, should be recognized as representing the government of King Constantine.

Undersecretary of State Norman H. Davis, January 10, 1921, wrote:

If and when this Government extends recognition to King Constantine, or establishes relations with the Greek Government, I do not see how the Treasury can legally or morally cancel its obligation to complete the advance to Greece under the terms stipulated.

Under date of January 14, 1921, Undersecretary of State Davis, wrote to Mr. Kelley:

You are correct in your understanding of the President's views in respect of the financial arrangement with the Greek Government early in 1918.

There are two propositions in this bill which has been read in the hearing of the House. One is a provision for the repayment of the \$15,000,000 advanced to Greece, with interest at 4½ per cent to December 15, 1922, and at 3 per cent from that time to January 1, 1923.

I do not understand there is any objection to this part of the settlement. It involves a very considerable concession, but that has been true of our settlements with other countries.

Computed on a basis of 4 per cent we receive in present worth 34½ per cent of our advances to Greece; the Italian Government, 26½ per cent; Yugoslavia, 33 per cent.

The proposed agreement provides that there shall be paid, first, installments of \$20,000 each semiannually—and I wish to say here that there is an omission in the bill, and the word "semi" should be included on the second page before the word "annual." These amounts increase to \$25,000 semiannually, then \$30,000, \$110,000, \$130,000, \$150,000, and, finally, \$175,000.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. JOHNSON of Texas. What amount of reduction, if any, is made in this indebtedness under the settlement as proposed? In other words, do we reduce the principal amount of the indebtedness?

Mr. BURTON. We do not reduce the principal amount.

Mr. JOHNSON of Texas. It is the interest on which the reduction is made.

Mr. BURTON. Yes; the principal is paid and \$2,105,000 more.

Mr. JOHNSON of Texas. In dollars and cents, how much do we discount the interest?

Mr. BURTON. I think that is a matter which has not been computed by the Treasury Department.

Mr. JOHNSON of Texas. Well, approximately.

Mr. BURTON. And I do not want to give even an approximate statement because I am afraid it would be too much of a guess; but 34½ per cent is the present worth on a basis of 4 per cent.

Mr. GIFFORD. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. GIFFORD. To what extent, if any, does Greece participate in the reparations paid by Germany?

Mr. BURTON. I do not think at all. I am not sure on that; but, at any rate, in a very small amount. My attention has never been called to that question before.

I think if there are any reparations, they are from Austria.

Mr. GIFFORD. I have noted the statement on page 5 of the report to which the gentleman referred, that the obligations of the Greek Government bearing 5 per cent interest were received by our Government and are still held by us, although the money has not been paid. If the money has not been paid, they must be out of date. Why are they still held by our Government and why have they not been returned to Greece?

Mr. BURTON. Because the settlement has not been completed and because we have no agreement with Greece canceling the proposed agreement and our obligation under it.

I would like now to proceed until I am through with this statement.

The commission received a delegation from Greece and stated to them that for three reasons, the fact that Great Britain and France had not complied with the promise of February 10, 1918, the fact that they had not paid interest as they had agreed, and the fact that there was a certain guarantee of a loan due to Canada for food purchased, we were released from our agreement.

Mr. GARNER of Texas. Will the gentleman yield? Did you not give one other reason, and that was that they had not kept their promise to spend all the money in this country?

Mr. BURTON. That was not stressed.

Mr. GARNER of Texas. I do not know whether it was stressed or not, but that was one of the reasons, as I understood it.

Mr. BURTON. I can not allow any of these reasons to wipe out what Greece did in 1918. She passed through an era of woe. There was a time when her government was not recognized by the powers that had been her allies. There was a military dictatorship; a revolution after the World War. To insist upon a fixed accountability as in the case of a country in which there are settled conditions is, in my judgment, altogether unjust and I might say unworthy of the American people. I never was very proud of the answer the commission made to the Greek Government.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. Mr. Chairman, I yield to the gentleman from Ohio 10 additional minutes.

Mr. BURTON. The commission was not like judges; they did not act in a judicial capacity; they were like advocates, seeking to get the best agreement they could for their country, hoping that the Greeks would withhold or waive all claims for an additional amount—thirty or more million dollars. That was our hope at the time.

We stated our case, as it was our duty to do, perhaps, in the best shape we could, but I question whether if it had been left to the commissioners as arbitrators they would have made such an answer. I question very much whether if left to our Supreme Court it would have reached such a conclusion.

Here let me make a point of vital importance. The Greeks all the while, to-day, and in every time, have offered to leave the whole matter to arbitration. What kind of position would this great Government be in on a financial obligation of this kind if we refused, and still refuse, to leave the matter to an impartial tribunal? Do we wish to take that stand before the world?

Another thing, not only to our Government, but to private individuals enormous sums are due in the way of debts; some of them from countries inferior in financial capacity. Do we by seeking through technicalities want to afford them an excuse, either for their debts to the United States or to private individuals to repudiate the billions that they owe to us?

There are two sides to this question. Now, we can not agree, and Greece proposes that we loan them the sum of \$12,167,000. That would be placing the settlement between the United States and Greece on a par with the settlement that Great Britain made with Greece, a compromise in both cases. That is, we refuse to advance the rest of the \$250,000,000 francs, and they refused to pay the \$15,000,000 we advanced to them, unless we advanced the whole amount they claim. That created an impasse.

Now it is proposed to settle this by advancing to them the sum of \$12,167,000. You call it a loan, and it is in its form a loan. But what is it in reality? It is a settlement of this controversy between the two countries, as a substitute for paying the whole amount which we clearly obligated ourselves to pay and for the payment of which Greece has very strong claims, and it is proposed to more than cut the balance that would be due from us in two, nearly down to one-third, making it \$12,167,000 at 4 per cent for 20 years.

Mr. SIROVICH. What does Greece propose to do with the \$12,000,000?

Mr. BURTON. I am coming to that. What does Greece propose to do with it? It was by international agreement that there should be shifted the population of 1,500,000 Greeks and approximately that number have come into Athens from Asia Minor and other places under Turkish rule. In addition 150,000 Armenians have come to Greece. This immigration has imposed upon Greece an almost unbearable burden, a burden which brought the League of Nations to provide a loan to help them in caring for the refugees who came there with food and clothing to last them but a day. What does Greece propose to do with the \$12,167,000? It is to be applied, every dollar, to the comfort of these refugees—under the control of a commission, the chairman of which I may say is an American and the controlling interest is American. Can we refuse under such circumstances as these?

Mr. GREEN. About what percentage in the settlement does this give us?

Mr. BURTON. I have stated that, 34½ per cent.

Mr. GREEN. We all recognize that the gentleman has made a very great study of this matter, but does not the gentleman feel, in view of the fact that America's natural resources are undoubtedly being depleted, exhausted, and her population is increasing, that it is time America should quit canceling these debts and giving to our foreign creditors these huge amounts, which has been going on now for several years?

Mr. BURTON. Mr. Chairman, the gentleman from Florida [Mr. GREEN] could have made that argument very much more appropriately when we settled with Italy at 26½ per cent, 8 per cent less than this; when we settled with Yugoslavia at less, and I want to say that I stand here to justify those settlements, every one of them. True, we have a great population; but my, how we do abound in wealth! America, the golden wonder of the world, richest of them all, growing in wealth! Shall we say to any people under the sun, poor, struggling, "We refuse you aid out of our abundant resources"? When we do that, then I say America will be taking a stand which will lower her position among the nations of the earth.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. MOORE of Virginia. Would the conditions attached to this agreement prevent the Greek Government from floating a general loan without limit as to amount? I ask that for the reason that it has been stated very reliably that the present Prime Minister of Greece, who came in on the 4th of July, 1928, M. Venizelos, is making an effort to negotiate such a general loan.

Mr. BURTON. So far as the \$12,167,000 is concerned, that is paid from definite sources. I am satisfied that our Treasury Department would not agree to conclude this loan if that were done, and the figures that have been made by the experts show that there will be from Greek revenues a surplus of \$28,000,000 a year beyond any commitments on prior loans. I may say, as regards the repayment of the amount advanced by us, that is paid in general from the Greek treasury, and there is no assignment of revenues for that purpose; but as far as the \$12,167,000 is concerned, I do not think any question can be raised but that we have ample security. [Applause.]

Mr. GARNER of Texas rose.

The CHAIRMAN. Does the gentleman from Texas desire to control the time in opposition to the bill?

Mr. GARNER of Texas. I should like to do so.

The CHAIRMAN. The Chair understands the gentleman from Texas is supporting the bill.

Mr. GARNER of Texas. No; I am not supporting the bill.

Mr. CRISP. Mr. Chairman and gentlemen of the committee, it is with genuine regret that I find myself, from a sense of duty, compelled to differ with my former colleagues on the American Debt Funding Commission as to this settlement. I have wholeheartedly supported all other settlements made by the commission and have borne my full share of the brunt of battle in this House to have them ratified, but in this case I find myself unable to go along with them. I regret especially that I have to differ with the distinguished gentleman from Ohio [Mr. BURTON]—and it may interest you to know that we are really cousins—in his position on this matter. I think his case was so poor that he made the poorest speech I ever heard him make since he has been in the House. [Applause.]

Now, I am going to discuss the matter in a dispassionate way. I shall not attempt to appeal to your passion or prejudice, but I am going to endeavor to lay before you this whole picture, and when I have done so and have cast my vote against it I shall

have discharged my full duty as a former member of the Debt Commission and as a Member of this House, and you should vote as your consciences dictate.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. WAINWRIGHT. May I ask the gentleman if he will not, if he thinks well of it, discuss the original agreement.

Mr. CRISP. I am going to make my own speech and the gentleman from Oregon [Mr. HAWLEY] and other gentlemen can make their own speeches.

Mr. WAINWRIGHT. I assure the gentleman I am only asking for information.

Mr. CRISP. I am going to try to discuss this case from its inception.

Mr. WAINWRIGHT. That is what I mean.

Mr. CRISP. And give the House the whole picture. This bill before us contains two substantive propositions. One is to fund an old indebtedness owing the United States by Greece of \$15,000,000, and interest on it, making the total \$19,500,000 due January 1, 1928. The settlement proposes to fund and settle that indebtedness over a period of 62 years on the basis of 34 cents on the dollar, and the only justifiable excuse or reason why we, representing the taxpayers of the United States, should be willing to take less than 100 cents on the dollar is the inability of Greece to pay more. All of these settlements have been made on the capacity to pay, and I think I can show before this discussion is over that the capacity of Greece to pay exceeds 34 cents on the dollar.

There is due under the old advance of \$15,000,000, \$19,500,000. It is proposed to cancel it for \$6,500,000 on a present cash value, or a cancellation of \$13,000,000 of the indebtedness. Now, if Greece were not able to pay more I would not cavil at that, and I have supported all of the other settlements, convinced that the settlements were up to the capacity of the debtor nations to pay, but I think the capacity of Greece to pay is greater than that. It is proposed in the second part of this bill for the Treasury of the United States to loan this debtor that is settling the old debt for 34 cents on the dollar, \$12,000,000 more for a period of 20 years, and under a part of the settlement international bankers have loaned to Greece during this year \$33,000,000 at 6½ per cent interest. Greece sold to international bankers in London and New York her bonds of \$100 denomination for \$91, and the bonds bear 6 per cent interest, but on account of the sale at \$91 the investor gets a yield of 6½ per cent.

Under this agreement, and as a part of the scheme for the selling of those international bonds, the Treasury of the United States is to loan Greece \$12,000,000 at 4 per cent interest, a saving of 2½ per cent interest to Greece. Now, if Greece is able to sell her bonds at \$91 I am constrained to believe that her capacity to pay is greater than 34 cents on the dollar.

Mr. MANSFIELD. Will the gentleman yield?

Mr. CRISP. Please let me go on for a while. I want to be courteous, but I think if you will give me a chance I will anticipate your questions and answer them.

What is the history of this transaction? During the World War Greece announced neutrality and she had a force to maintain her neutrality, but it was common knowledge that the King, brother-in-law of Emperor William, and the officials of the government, were pro-German. Bulgarian troops and Austrian troops occupied large parts of the territory of Greece. The activity of Greece became so pronounced in favor of the Central Powers that the Allies landed troops in Athens. They were fired on and killed by the Greek troops. Then the Allies had warships anchor off Piræus. They bombarded the palace and forced the King to abdicate and required the Greeks to reduce their army from a large number of divisions down to three. After this the Government changed and in June, 1917, Mr. Venizelos became the head of the Government and the Government became friendly to the Allies. Then Venizelos issued a proclamation to the Greek people saying that:

We will enter the war on the Allies' side for the purpose of driving our enemies from our midst and for the purpose of having a voice at the peace conference, where we will get larger territory and we will have a Greece that you have always dreamed of.

They entered the war for self-defense. That was what actuated Greece in going into the war and not to help us.

In February, 1918, there was made between Great Britain, France, and the United States a tripartite agreement that under certain conditions and covenants to be kept by Greece these three Governments would extend a credit to Greece to aid in the prosecution of the common war to the extent of 750,000,000 francs. I contend that was a joint war-time agree-



ment and that the only authority this Government had for making loans was under the Liberty loan act, that authority being to make loans to aid in the prosecution of the common war. Under that agreement Greece was to pay interest, and she obligated herself not to obtain any loan from any foreign country nor to pledge her securities or credits therefor without the consent of the United States. At this time the Greek Government was friendly to the United States. These credits were not made to Greece for any specific purpose—the organization of an army—but were to be used by Greece to aid her in financing her military operations. Greece was fighting to expel invaders from her territory, and when Greece was in the war it was her duty to use her resources to carry it on, just as it was the duty of the United States, and we expended over \$30,000,000 for that purpose.

In the fall of 1918 the Greek troops did participate in battles on the Macedonian front and they participated by driving Bulgarians and Austrians from their own territory. They discharged themselves with ability, and as soldiers were the peers of the Allies operating with them, and I have the profoundest respect for them; but they were fighting in self-defense and the only battles they participated in were on the Macedonian front. When the armistice was signed the Greek drachma was at par, the finances of Greece, the economic conditions of Greece, were splendid, and Mr. Venizelos went to the Peace Conference and requested from the delegates that certain territory be granted Greece. The Peace Conference failed to give Greece the territory she asked and then Venizelos obtained permission for Greek troops to occupy Smyrna and this resulted in the Turco-Greek war, which resulted in the debacle of Asia Minor. This caused the downfall of economic conditions in Greece, caused the drachma to depreciate, but the United States had nothing in the world to do with it.

These credits were assigned by the Greek Government to the Bank of Greece to guarantee an issue of drachmas, and these credits were made on the books of the Treasury of the United States in the late fall of 1918, and no advance was asked for by Greece against these credits until November, 1919, after she was in the war with Turkey.

I am rather illogical in presenting this thought before I go back to certain other matters, but in November, 1919, diplomatic negotiations were entered into between the Greek Government and the Government of the United States as to these advances and a new agreement was made. The United States agreed that she would advance the \$15,000,000 upon condition that the full amount was to be expended in the United States and the Greek Government was to furnish semimonthly itemized statements of the expenditures, and this agreement was to take the place of the original tripartite agreement so far as we were concerned, and under this new agreement, which wiped out so far as the United States was concerned the tripartite agreement, this \$15,000,000 was advanced, and Greece breached it by not furnishing the itemized monthly statements of how the money was expended in the United States.

Gentlemen, I contend that the original tripartite agreement was a joint war-time undertaking and that the consideration was to aid a friendly government, and when the government changed and instead of being friendly to the United States became pro-German, the consideration of the agreement failed.

I take the further position that it was a joint undertaking that France was to advance \$48,000,000, Great Britain \$48,000,000, and the United States \$48,000,000. France advanced nothing, the United States advanced \$15,000,000, Great Britain advanced \$31,000,000, and after that advance Greece privately released Great Britain from advancing the rest of the money, without the knowledge or the consent of the United States. Therefore, as a lawyer, I say that if it was a joint war-time agreement, when Greece privately released England from her part of the undertaking, without the knowledge and consent of the United States, this released the United States.

Now, my distinguished cousin says we should not pattern after any foreign country, but should pursue an American policy. I thoroughly agree to this, and that is exactly what I am doing in this case. The great reason urged by the majority in this report for the advance of the \$12,000,000 is to make us advance to Greece the same amount that England advanced; therefore they urge that we pattern after England; England advanced, before the Government changed and when it was still friendly, \$31,000,000. England has not advanced one cent since the Government became unfriendly, but the majority say that we should advance out of the Treasury \$12,000,000 to make our advance to Greece equal to that which England advanced. I can not consent to this suggestion.

I would like for them to return us our \$15,000,000 and let us be on a parity with France, who advanced nothing.

If this was a joint war-time undertaking and France failed to perform her part of the covenant and Greece released England from a part of hers without our knowledge and consent, and if the consideration of aiding a friendly nation failed, we are under no legal or moral obligation to advance anything else.

But Greece says this was not a joint, war-time undertaking. Greece says it was a several undertaking. Admit that for the sake of the argument, and we are also released. Greece failed to pay the interest. Greece without the knowledge or consent of the United States in 1923 obtained a loan in Canada of \$8,000,000 and pledged certain of her revenues to the payment of that loan, and we only learned of it sometime afterwards, and to show that Greece did know that she had no right to obtain these loans without the consent of the United States, she did make other loans and did apply and did obtain the consent of Great Britain, France, and the United States to make these loans; but she did not do this as to Canada, and she thus breached the agreement. Greece also covenanted to pay us 100 cents on the dollar, and under this settlement she is only agreeing to pay 34 cents on the dollar, another breach on her part.

Under the new agreement, which was to take the place of the tripartite agreement, she breached that by failing to furnish the itemized statements of account as to how the money was expended in the United States.

Gentlemen, in January, 1923, after repeated urgings, Greece sent a commission over here to meet with the American Debt Funding Commission to see if they could fund and settle this indebtedness of \$15,000,000. We met at the Treasury Department, and after conferences the Greek delegates blandly told us that the United States owed them \$33,000,000 more; that if we would advance the \$33,000,000 they would fund the \$48,000,000 practically on any terms on earth we desired. They were not sticklers for rates of interest or details, but they were ready to fund on our terms if we would just advance them this \$33,000,000.

The members of the American Debt Commission connected with the Federal Government were Secretary Kellogg, Secretary Mellon, President-elect Hoover, Senator Smoot, Senator Burron, and myself. There were also Mr. Hurley and Mr. Olney, but I am talking now of those connected with the Government.

That was the commission. The American commission unanimously in writing gave the Greek commission an answer that the United States was not under legal obligations to advance Greece another cent, and that we would not recommend to Congress legislation to authorize it. Here is a copy of the written report that the American Debt Commission furnished the Greek commission. You will also find a copy of this printed in the hearings before the Ways and Means Committee.

The Greek commission said they would not fund the 15,000,000 unless we advanced them 33,000,000 more, which we refused to do.

Upon that the Greek commission returned to Greece. In 1924 Secretary Hughes—I think one of the greatest lawyers of the world and one of the greatest Americans—as Secretary of State had taken the position that the United States was not legally liable to advance further sums after that agreement and instructed the minister at Greece so to notify the Greek Government. The Greek commission, when we refused to recommend the further advance refused to pay the \$15,000,000 and went home.

Some months afterwards I read in the press that the Greeks were going to get \$33,000,000 more from the United States. The American Debt Funding Commission's life expired a few months after we had the conference with the Greeks. It went out of existence in May, 1926. Further negotiations were conducted between the Greek Government and the Treasury Department.

As I said, I read in the press that they were going to get \$33,000,000. I knew the power of the international financiers, because before us the Greek commission had contended that the \$33,000,000 belonged to the Bank of Greece, and I have often wondered in this settlement why it was proposed to send the \$12,000,000 to the Near East relief fund—I presume it was more appealing to the American Congress and the American people to furnish this money for humanitarian purposes rather than for an international bank.

But the Greek commission returned home. Last January I was courteously invited by Mr. Mellon to a meeting at the Treasury Department with the former members of the Debt Commission. He stated that the Treasury Department had tentatively made the agreement set out in the bill which you are called upon to vote on, and desired to submit it to us to see if we approved it. I found myself unable to agree, and

frankly stated that I could not agree to it. Now, gentlemen, as a member of the Debt Commission, in January, 1926, I took the position that the United States was not morally or legally obligated to advance any more funds to Greece. Nothing in the world has transpired to change the legal obligation, from that day in January, 1926, to January, 1928, when this agreement was made. If the Debt Commission was correct in 1926, that there was no legal liability on the part of the United States, there was no legal liability on the part of the United States in 1928, when this agreement was made.

Now my friends, the majority say this is a compromise. It is an attempt to compromise a bare claim on the part of Greece, a claim which the officials of the United States Government said was not legal. If there was no legal liability on us then it is unsound and illogical to attempt to compromise it, and in peace times to loan to a foreign government out of the Treasury of the United States, money for 20 years at 4 per cent interest, when we are funding and settling the old debt with them at 34 cents on the dollar.

I take the further position—the gentleman from Texas [Mr. GARNER] made part of my speech—that if we owe Greece \$33,000,000 and she needs the money we should advance that \$33,000,000, and not compromise. If the only excuse to compromise a financial obligation is inability to pay in full, no one can question the ability of the United States to pay in full every dollar she owes. I believe in the sacredness of international as well as individual obligations—I believe they should be sacredly kept. If I believed that the United States were legally obligated to Greece under this tripartite agreement, I would stand here and advocate letting her have the \$33,000,000. But I do not believe there is a moral or legal obligation resting upon us, and I can not support the settlement. The compromise is based upon the idea of quieting or settling a dispute. I can not approve of this policy on the part of the United States, under all the facts of this case.

Gentlemen, this credit was assigned to the Bank of Greece. Greece issued drachmas on it. All during 1918, until after the armistice, the drachma was at par. The economic condition of Greece was good all during 1918, and the drachma depreciated, not because England furnished only \$31,000,000, not because the United States furnished only \$15,000,000, not because France advanced nothing, but as a result of her war in Asia Minor with Turkey. She brought on the debacle and that reduced the drachma, and if you want to appeal to the equity side of the court, to-day a million and a half dollars will buy and retire all of the drachmas that the Bank of Greece issued, based on this credit.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GIFFORD. Did Greece, depending upon this credit of \$38,000,000 or \$48,000,000, expend that money expecting it from us for the purposes upon which it was agreed to make the loan?

Mr. CRISP. I do not think so. Greece declared war on Germany in June, 1917, as her prime minister said, to expel the enemy from her territory and to have a greater Greece by being allocated new territory at the peace conference. She engaged in the war, and these credits were made only in February, 1918, after she had been in the war for months, and they were loaned to her as a friendly government to aid in carrying on the common war.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. JOHNSON of Texas. When the gentleman from Ohio [Mr. BURTON] was speaking he was asked what he thought was expected to be done with this additional \$12,000,000. He said it was to be expended for the benefit of refugees. From what the gentleman from Texas [Mr. GARNER] said, he seems to think that the \$12,000,000 would have something to do with a loan that was obtained in New York from the National City Bank. Has the gentleman any information on that question?

Mr. CRISP. After the American Debt Funding Commission had refused to recommend any further advances to Greece and the Greek commission went home, Greece desired to obtain some money. So the Greek Government invited the kind officers of the Council of the League of Nations, and after negotiations the Council of the League of Nations approved a loan of this character to aid Greece. Seventeen million dollars of that loan was to be sold in London and \$16,000,000 in New York at 6½ per cent to the purchaser, and the United States Government was given the kind privilege of loaning \$12,000,000 for 20 years at 4 per cent, while the international bankers were selling their \$33,000,000 at 6½ per cent; and under this bill—I think it is a sugar-coated pill, because they are generally more palatable when sugar coated—it is proposed, if this loan

is made, that its entirety shall go to the Near East relief fund instead of to the Bank of Greece.

Gentlemen, let me say that I thoroughly approve of the splendid charity of the Near East relief fund. I think it is commendable. I rejoice that many of our philanthropists have contributed to it and I hope others will contribute to it, but I do not believe that you as a legislator have the right under the wildest stretch of imagination under the Constitution of the United States to vote money from the people's Treasury for any charitable or relief measure, no matter how worthy.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. PERKINS. When, after the armistice, if ever, did the Greeks ask for further advances on this credit?

Mr. CRISP. The first advance that Greece asked after the armistice was when Greece was at war with Turkey, in 1919, and she was advanced in the latter part of 1919 and in 1920 the \$15,000,000, and the advance was made under the new contract I referred to, that we would advance it to her provided she would agree to expend it in the United States and furnish semimonthly itemized statements to how it was expended, which she did not do.

Mr. HASTINGS. Mr. Chairman, right at that point, if the gentleman will permit, what do the hearings disclose as to where it was expended? The gentleman says there is no report upon it, but do the hearings disclose where the \$15,000,000 was expended?

Mr. CRISP. No, they do not; at least I have never seen it.

Mr. BURTON. The report of the military commission is that an amount not quite up to the 750,000,000 francs, but near to that, was expended for military purposes, without which Greece could not have kept her army in the field.

Mr. CRISP. Is that report of the military commission in our hearings?

Mr. BURTON. I am not so sure that it is.

Mr. CRISP. That was the gentleman's question and I said that, so far as I know, it was not in the hearings.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. JOHNSON of South Dakota. Does the gentleman know of any legal or equitable obligation upon the part of the United States to advance this money for these refugees? Was any promise ever made by anyone in authority? What reason is assigned for it?

Mr. CRISP. None whatever; and I shall have to let one of my brothers in the majority who are supporting this bill explain it to the gentleman. It just struck me as a little queer that, when the Greek debt commission was here, it was urged by them that this credit belonged to the Bank of Greece, that it had been assigned to the Bank of Greece, upon which she had issued drachmas, and in this settlement, lo and behold, the claim of the Bank of Greece has vanished, and it is proposed that the \$12,167,000 shall all go to the Near East relief.

Mr. JOHNSON of South Dakota. That proposition was not presented to the Debt Commission of which the gentleman was a member at the time. It is a new matter?

Mr. CRISP. When the Debt Commission was conferring with the Greek commission not a word was said about making any advance on account of the Near East relief fund.

Mr. GIFFORD. Will the gentleman yield?

Mr. CRISP. Yes, sir.

Mr. GIFFORD. I am a little troubled about the authority as given on the first page of the minority report; but is it customary in making loans to a foreign country to stipulate as to the methods for which the money shall be used? After six months the money was to be used by the Bank of Greece without restriction. Is not this really a new loan, this 20 years at 4 per cent, and has this any relationship to the loan previously made for 62 years like the others? The question is, Is it not customary to make restrictions as to how the money is to be used before the money is loaned?

Mr. CRISP. I will say to my friend from Massachusetts I am just a mere country lawyer, without any experience whatever as to international banking or customs between foreign countries, and I do not know, but I think really this is a new loan of \$12,000,000 and has nothing in the world to do with the other.

Mr. GARNER of Texas. If the gentleman will permit. I know the gentleman from Georgia is familiar with the history of the country. Does the gentleman know of a loan made by this country to a foreign country except in time of war?

Mr. CRISP. Except for Austria and Russia—a humanitarian purpose.

Mr. GARNER of Texas. That is the aftermath of the war.



Mr. GIFFORD. Will the gentleman yield again?

Mr. CRISP. I will.

Mr. GIFFORD. One more question. I do not like the gentleman to say that I do not approve this \$12,000,000 loan. I think when we hold in the Treasury of the United States \$48,000,000 in securities, there must be some adjustment pending. In view of the fact that France and England have not lived up to the letter of their agreement, an adjustment can be made on our part at this particular time.

Mr. CRISP. I disagree. I would return to Greece all the obligations except \$15,000,000, that is what I would do, because I do not believe there is any legal or moral obligation on our part to pay more.

Now, gentlemen, I think it would be a bad policy for the United States Government to embark in making loans to foreign countries in peace time. The Government of the United States will not loan out of its Treasury a dollar to an American citizen, no matter how good the security is. They will not loan on United States bonds, and I know the distinguished Secretary of the Treasury would not favor making this loan, except to compromise the claim of Greece growing out of the tri parte agreement. I do not believe it is a legal obligation, and therefore I am not in favor of compromising it, but if you ratify this bill and authorize this loan, I fear in the future some other European countries who are friendly to us might seek to get the United States Government from its Treasury to loan them money at a lower rate of interest than they would have to pay to get it in the market, and if we refused, it might bring about discord and unfriendliness between those nations and our Nation where at present our relations are cordial. It is a dangerous precedent in peace time unless there is a legal obligation made during war time. I do not believe such obligation exists. I know constitutionally you have no authority to do it, and I call upon you to think well before you set this precedent.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CRISP. I will.

Mr. COOPER of Wisconsin. As I understand it, the principal objection of the gentleman from Georgia to the making of this loan is that it is in time of profound peace and unconstitutional for the Government of the United States to take the taxpayers' money and loan it to the government of any nation?

Mr. CRISP. The gentleman states my position correctly. And I may say further that I take the position that we are under no legal obligation to do it, because Greece breached all the contract.

Mr. COOPER of Wisconsin. During the war the money loaned by our Government to the foreign nations was obtained from private individuals and at the same time private corporations in the United States were advancing the money and taking their bonds?

Mr. CRISP. Yes.

Mr. COOPER of Wisconsin. Now, then, does the gentleman hold that for the Government of the United States to take the place of these private money lenders, bond buyers, and corporation bond buyers, would be putting the Government of the United States into business?

Mr. CRISP. Yes; I think actively into the business of international banking and buying bonds at 2½ per cent less than the international bankers receive for the same service.

Mr. JOHNSON of South Dakota. Would the gentleman from Georgia favor this act if section 5 on page 3 were eliminated from the bill?

Mr. CRISP. The gentleman from South Dakota has asked me a question that I have thought about a good deal. I have advocated other settlements on a far less than 100-cents-on-the-dollar basis acting upon the best information I could get, that the settlement was up to the capacity of the debtor nations to pay. I have always taken the position that they should pay to the limit of their ability, considering their economic condition. All these previous settlements I have favored because I believed they were the best settlements we could get, and I thought it was to the best interests of the American taxpayers to accept them.

Now, does it seem that 34 per cent is the full capacity of Greece to pay, when she has just floated through international bankers her own bonds at 91 cents on the dollar? It seems to me she can pay more.

Mr. JOHNSON of South Dakota. If this section were eliminated it would eliminate many objections?

Mr. CRISP. Yes. But if within this year she had a \$33,000,000 bond issue oversubscribed, selling at 91 cents on the dollar at 6 per cent, I do not believe 34 per cent on the dollar is her full capacity to pay.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Certainly.

Mr. WHITTINGTON. Something has been said about the settlement providing for the return of the security. What security does the United States hold on the \$15,000,000 advanced to Greece?

Mr. CRISP. As I understand, when these credits were made in February, 1918, the credits were entered on the books of the United States, and Greece furnished her I. O. U. to the amount of them.

Mr. WHITTINGTON. None of those securities are held by the Government?

Mr. CRISP. No. Only the notes that were given at the time that the loan was made.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Certainly.

Mr. WILLIAMSON. Is the settlement of 34 per cent on the dollar on the basis of 6½ per cent?

Mr. CRISP. Oh, no. Greece borrowed from us \$15,000,000. The settlement figures interest on this at 5 per cent up to January 1, 1928, so the total due us on that date, including principal and interest, is \$19,659,836. This amount is to be amortized over a period of 62 years. Future interest from January 1, 1928, is negligible—for a few years no interest, then one-half of 1 per cent, then for a number of years 1 per cent, then 2 per cent, and the highest rate of interest ever to be paid is 3½ per cent, and this only to be paid on the last amortization payments.

It appears that financiers will take a debt due 62 years off and reduce it down to the present cash value and see how much that claim is worth to-day, and therefore they compute the present cash value. On the basis of 4 per cent interest the present cash value of this settlement is 34 cents on the dollar. In other words, about one-third of the \$19,500,000, or \$6,500,000 in cash to-day would pay the \$19,500,000. Under this settlement you are canceling \$13,000,000 of the debt due us to-day by Greece.

Mr. WILLIAMSON. Is 34 per cent based on \$6,000,000? Is it \$4,500,000 or \$6,000,000?

Mr. CRISP. I can not answer the gentleman from North Dakota accurately as to the interest, but I think some of this will run at one-half of 1 per cent, and some at 1 per cent a year, and some at 2 per cent. It is practically no interest. But this \$12,000,000 proposed to be loaned now is to bear 4 per cent.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. PERKINS. If we loan them this \$12,000,000, they are willing to pay \$2,922.67 in cash upon the execution of the agreement?

Mr. CRISP. Yes. Small favors thankfully received. [Laughter.]

Mr. GARNER of Texas. The loan is to be made to-day at 4 per cent, and the Treasury last week borrowed about \$5,000,000 from the American people and agreed to pay 4½ per cent?

Mr. CRISP. Yes. Our President, in a very able message to Congress a few days ago, urged strict economy, adding that if new legislation was enacted our surplus of \$37,000,000 will be dissipated.

If you vote for this bill, \$12,000,000 of your \$37,000,000 surplus is gone.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. WHITTINGTON. What evidence or testimony was presented to the committee or may be found in the hearings as to the ability of Greece to pay?

Mr. CRISP. Well, now, I do not know what information my other friends on the commission may have, but I want to say this for the Treasury Department, the State Department, and everyone connected with the Debt Commission: They did everything in the world they could to collect every dollar they could for the United States in the funding of our war debts. They were earnest; they were active; they were zealous; and they obtained all available data as to the economic condition of those various countries; and I have nothing but admiration and praise, though of a different political party, for the way they discharged their duties. But as to this case, I myself have no information as to the economic condition of Greece, because there was an impasse at the beginning. Greece said she would not fund the \$15,000,000 unless we were willing to recommend a further advance, and that we refused to do. Therefore, I myself have never had any data as to the economic condition of Greece.

Mr. COX. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. COX. Except as to her ability to sell her bonds at 91.

Mr. CRISP. Yes; and I have already referred to that.

Mr. FREAR. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. FREAR. The gentleman has referred to the other members of the commission repeatedly. Is it not a fact or is it a fact that all the other members of the commission and those interested in the settlement of the debt are agreed and approve of this settlement?

Mr. CRISP. Yes. I am the only hard-headed member of the jury, if that is what the gentleman is driving at; but I am reinforced in my position by this, that in January, 1926, every member of the commission took the same position I am now taking, and nothing in the world has transpired between then and now to change the legal status of the case, nor change me from standing pat, but they have changed. [Applause.]

Now, gentlemen, I have talked long enough; but let me sum up.

Mr. SIMMONS. Will the gentleman yield?

Mr. CRISP. I yield to the gentleman from Nebraska.

Mr. SIMMONS. Has the Greek Government refused to refund the indebtedness unless this loan is included in the settlement?

Mr. CRISP. I have repeatedly stated and can only repeat that in the conference I attended as a member of the funding commission with the Greek commission they took that position. Now, what has been done since the American Debt Commission went out of existence I know not.

Mr. PERKINS. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. PERKINS. Is the gentleman aware of the saying "Beware of Greeks bearing gifts"?

Mr. CRISP. I have used that same saying. In June, 1926, when I saw in the press that the Greek Government was going to get a loan of \$33,000,000 from the United States Treasury I made a speech on the floor of the House calling attention to that, and I said: "Beware of Greeks bearing gifts." [Laughter.]

Now, gentlemen, I have tried to present the facts as best I could. I do not believe there is any legal or moral obligation for the United States to advance this money. Why? In the first place, it was a joint war-time agreement, the consideration being to aid a friendly government. Venizelos was overthrown; Constantine returned and the government was unfriendly. We were released because France failed to fulfill her part of the contract. We were released because the Greeks privately, without our knowledge and consent, released England from furnishing a part of her contribution. We were released because Greece did not pay the interest. We were released because Greece, contrary to her covenant and agreement, without our consent, obtained a loan of \$8,000,000 in Canada. We were released under the new agreement because Greece failed to carry out her covenant to furnish a semiannual itemized statement.

Mr. Chairman, I ask unanimous consent to extend my remarks by printing at the conclusion of them the minority report, which I wrote, in this case.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The minority report is as follows:

Mr. CRISP, from the Committee on Ways and Means, submitted the following minority views on H. R. 10760, Seventieth Congress, entitled, "A bill to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918":

We are opposed to the passage of this bill. It contains two substantive provisions: First, authorizing the funding of the principal sum of \$15,000,000 and interest thereon, said sums representing advances made to Greece by the United States of \$5,000,000 on December 15, 1919, \$5,000,000 on January 16, 1920, and \$5,000,000 on September 24, 1920 (all of said advances being made subsequent to the armistice of November 11, 1918), under the tripartite war agreement dated February 10, 1918. Second, authorizing a new loan out of the Treasury of the United States to the Republic of Greece of \$12,167,000 for a period of 20 years at 4 per cent interest.

Our objections to the bill are principally against the provision of it authorizing a new loan out of the Treasury to Greece. The present cash value of the settlement with Greece as to the \$15,000,000 due the United States is only 34 per cent of the amount due us as principal and interest. This proposed settlement, which would entail a great loss to the taxpayers of the United States, is based on the inability of Greece to pay the debt in full owing to her economic condition. The only justifiable reason for the United States to settle the debt of Greece for less than 100 cents on the dollar is the fiscal incapacity of Greece to pay in full. We, representing the taxpayers of the United States, can not get our consent to make a further advance to Greece of \$12,167,000 at 4 per cent interest for a term of 20 years when the best obtainable settlement of her old debt was on a present cash-value basis of only 34 cents on the dollar, the payments extending over a period of 62

years. We do not believe there is any constitutional authority for the Congress of the United States in peace time to authorize a loan out of the Treasury to a foreign government. We do not believe the widest stretch of the general welfare clause of the Constitution of the United States would legally authorize such an act.

During the negotiations between the Greek Debt Commission and the American World War Debt Commission, having in view the funding of Greece's indebtedness to the United States, Greece contended that, under the tripartite agreement, the United States was obligated to advance her approximately \$33,000,000 in addition to the \$15,000,000 already advanced, and she refused to make any agreement as to the funding of the \$15,000,000 except on condition of further advances. The American Debt Commission unanimously took the position that, under the tripartite agreement, the United States was not legally obligated to advance Greece any further sums whatever and the Greek Commission was so advised in writing. The negotiations ended and the Greek Commission returned to Greece.

Notwithstanding this position of the American Debt Commission in 1926 (and nothing has transpired since to change the legal status of the case), the agreement which this bill asks Congress to ratify proposes to advance Greece the additional sum of \$12,167,000 on the theory of compromising the bare claim of Greece that the United States is under obligation to make her a further advance. We agree with the Debt Commission that, under the tripartite agreement, the United States is not legally obligated to make any further advance to Greece. Therefore we believe it illogical and unsound to compromise a supposed liability of the United States which does not in fact exist. We believe in the sacredness of international fiscal agreements, and we believe that individuals and nations should rigidly live up to the letter of their contracts and that the only equitable basis for compromising a financial obligation should be the inability of the debtor to pay in full. If the United States were legally obligated to advance Greece \$33,000,000, with her great wealth, it would be inexcusable for her not to advance the full amount due by her. A compromise would be inexcusable. But we are thoroughly convinced that there is no liability whatever on the part of the United States to make any further advance to Greece.

Greece being affiliated with the Allies in the prosecution of the World War, on February 10, 1918, representatives of the United States, France, and Great Britain signed at Paris the tripartite agreement, whereby these nations agreed to make advances to Greece by equal shares during the year 1918 of 750,000,000 francs. It will be seen that the United States' proportion of this advance would have been 250,000,000 francs, then of the value of \$48,236,629. This was a war-time agreement to aid in the prosecution of a common war against the Central Powers. The only authority under the Liberty loan act to make loans out of the Treasury to our allies was for "the national security and defense and for the purpose of assisting in the prosecution of the war." This was the only consideration moving the United States in making the agreement. Article 4 of the tripartite agreement expressly provided that the advances should be evidenced by obligations of the Government of Greece and that the Government of Greece, until the redemption of the aforesaid obligations, should not use any new security for an exterior loan without the assent of the Governments of the United States, France, and Great Britain. Greece also covenanted to pay the interest on the advances. It will be observed that this tripartite agreement was a joint war-time undertaking on the part of the United States, Great Britain, and France. Under the agreement Great Britain advanced Greece approximately \$31,000,000, the United States advanced fifteen millions, and France advanced nothing. On December 22, 1921, without the knowledge or consent of the United States, Greece entered into an agreement with Great Britain releasing her from obligation to advance any further sums under the tripartite agreement, the consideration of releasing England being that she consented for Greece to obtain private loans in Great Britain.

As before stated, France advanced nothing. The failure of France to perform her part of the joint undertaking and the releasing of Great Britain without the consent of the United States from obligation to make further advances had the legal effect of releasing the United States from further obligation under the tripartite agreement. At the time the agreement was made Venizelos was the head of the Greek Government, and the Government was friendly to the allied cause. On December 19, 1920, the Greek Government changed, Venizelos fled, and King Constantine, the brother-in-law of Emperor Wilhelm, returned to Greece as its King, and the Government was no longer friendly to the Allies. On December 12, 1920, the American minister to Athens, Mr. Capps, wired our State Department that Great Britain and France had notified the Greek Government that they would not make further advances to Greece on the unused balances under the tripartite loan agreement in case of the return of King Constantine. King Constantine did return, and thereafter Great Britain and France made no advance. At this time, so far as we have been able to learn, the United States gave no instructions to Minister Capps in the premises. Upon the return of King Constantine the



United States Government severed all diplomatic relations with Greece, which condition obtained until 1924. When the tripartite agreement was made the United States covenanted to make advances to a friendly nation to aid in the prosecution of a common war. When the Greek Government changed and became unfriendly to our cause, the consideration of the war-time agreement failed and we were under no moral or legal obligation to make further advances.

It is interesting to note that during this period when no diplomatic relations existed between the Greek Government and the United States the Greek Government retaliated for not receiving further advances from the United States by very greatly raising the tariff duties on goods imported from the United States (on oleomargarine to the extent of 300 per cent). It is contended by the majority that the United States should advance from our Treasury this additional \$12,167,000 to Greece because England advanced approximately \$31,000,000 and we should advance to Greece a similar amount, and this advance of \$12,167,000 and interest on the \$15,000,000 already advanced would make our advance to Greece the same as England's. We see no merit whatever in this argument. England did not advance Greece any sum whatever after the Greek Government became unfriendly, and there is no moral nor legal reason why we should do so. This is especially true, as France has never advanced anything, though France was just as much a party to the tripartite agreement as the United States and England. But it is contended by Greece that the tripartite war-time agreement was not a joint but a several agreement. Even if this were conceded, the United States would have a complete defense against any liability under the agreement to make advances to Greece, owing to the failure of that Government to perform her covenants in the agreement, first, by failing to pay interest due the United States on the \$15,000,000 already advanced her, and, second, contrary to her expressed covenant that she would not make another exterior loan without the assent of the United States, France, and Great Britain, she did in December, 1923, contract a loan in Canada in the sum of \$8,000,000 without the knowledge or consent of the United States, pledging her surplus revenue for the services of the loan, thus clearly violating the terms of the original tripartite agreement and releasing the United States from further legal obligation under it.

Upon the completion of the war-time tripartite agreement of 1918 the Treasury of the United States opened on its books a credit for the amount the United States agreed to advance Greece under the joint war-time agreement, but no advance was requested by Greece until September 3, 1919 (at which time she was at war with Turkey), when diplomatic correspondence was conducted between the two Governments relative to advances.

That Greece did not request these advances for World War purposes is shown by a letter from M. Tsamados, chargé d'affaires of Greece, to Hon. Robert Lansing, Secretary of State, under date of September 3, 1919, in which he makes the statement: "However, the United States being the country having suffered least from the ravages of the war, as well as the country producing everything required by the allied nations, it is to her, very naturally, that Greece turns to procure all that she needs to feed her population, to run her factories, and to provide for the needs of her economic life." This diplomatic correspondence resulted in a new agreement and understanding between the two Governments, assented to by both in writing, that the United States would make advances to Greece with the distinct agreement that all the money advanced should be expended in the United States and that the Greek Government, through its embassy, should furnish itemized semi-monthly statements to the United States Government showing the purposes for which such sums were used and expended. Under this new agreement the United States advanced to Greece the fifteen millions on the basis hereinbefore mentioned. Greece again failed to comply with her obligation and has never furnished the United States the semi-monthly itemized statements showing the manner of expenditure of said \$15,000,000. Therefore the United States is under no liability under this new agreement to make further advances to Greece.

In 1924 the United States resumed diplomatic relations with Greece. Some of our former officials of the Treasury Department took the position that the United States was obligated to make further advances to Greece under the tripartite agreement. Hon. Norman Davis, a previous Undersecretary of State, held that view. Hon. Charles E. Hughes, recognized as one of the greatest legal authorities of the United States, while Secretary of State, took the position that the United States was not obligated legally under the tripartite agreement to make any further advances to Greece, as evidenced by the fact that the American minister at Athens, under instructions from the Department of State, Mr. Hughes being Secretary of State, informed the Greek Government in 1924 "that the Government of the United States did not consider itself obligated to make any further advances under the terms of the 1918 agreement."

The American World War Debt Commission frequently urged the debtor nations to send commissions to the United States to negotiate the funding of their indebtedness to the United States, but, following the 1924 pronouncement of the State Department that the United States was not obligated to make further advances to Greece, Greece

declined to take any steps toward the funding of her old indebtedness until January, 1926. At that time, during negotiations between the Greek Debt Commission and the American Debt Commission, the Greek commission insisted that the United States was obligated under the tripartite agreement to advance Greece \$33,000,000 additional, and that Greece would not fund the \$15,000,000 of her old indebtedness unless a further advance was made. The Greek commission insisted on the further advance, contending that this \$33,000,000 of uncollected credit had been assigned and transferred to the Bank of Greece and that the Bank of Greece had issued drachmas on it, which drachmas were used by Greece for military purposes, and that the Bank of Greece was entitled to have this amount advanced out of the Treasury of the United States to protect it for having issued the drachmas.

Let us briefly consider the history of Greece during the World War: King Constantine, its ruler, was the brother-in-law of Emperor Wilhelm of Germany. The king, his counselors, and a majority of the Greek people were friendly to Germany. A minority of the population under the leadership of Venizelos were friendly to Serbia and the allied cause. The Greek Government officially declared itself neutral and maintained a large army for the purpose of enforcing its neutrality. It was common knowledge, however, that the official Government of Greece was secretly actively aiding and abetting the cause of Germany. Important parts of the territory of Greece were occupied by the Bulgarian allies and friends of Germany. Austrian troops occupied part of the Greek territory. The conduct of Greece became so threatening to the Allies that the Allies landed troops in Greece, who were fired upon by Greek troops and many of them killed. On September 1, 1916, an allied squadron, consisting of 23 warships and 7 transports, anchored 4 miles outside of Piræus. The Allies demanded of King Constantine satisfaction for the assault on the allied troops, and finally the Greek palace was bombarded. After months of negotiations, in June, 1917, Constantine abdicated in favor of his son, Alexander, and left Greece. The Allies forced the Greek Government to salute the allied flags and to demobilize their army to only the number required to maintain order.

In June, 1917, Venizelos became premier and the head of the Government of Greece, and a few days thereafter Greece formally entered the war on the side of the Allies. At this time part of Greece was in possession of Bulgarian and Austrian troops, she had lost a large part of her territory, and Premier Venizelos made the following statement to the Greek people: "In taking part in this World War we shall not only regain the national territory we have lost, we shall not only re-establish our honor as a nation, we shall not only effectively defend our national interests at the peace conference and secure our national future, but we shall also be a worthy member of the family of free nations which that conference will organize, and we shall hand down to our children such a Greece as generations past have dreamed of." Greece entered the war for the purpose of self-defense, to expel invaders from her territory, and her course at this time was most honorable and commendable. The national security and honor of Greece demanded that she use all of her resources to conduct her military operations, just as the United States expended \$30,000,000,000 in her military operations, and we received at the conclusion of the war neither territory, property in kind, or reparations, while the other Allies, including Greece, did obtain material and financial advantages.

At the time Greece joined the allies on June 29, 1917, her financial condition was good; the drachma was at par, and this condition continued until after the armistice of November 11, 1918. Under the Venizelos régime, upon her declaring war, her army, which had been demobilized, was recruited and reorganized.

During the spring of 1918 Greek troops did take part in battles of the Macedonian front, defending her own territory and expelling invaders. The army conducted itself with valor and great credit. The Greek soldiers were the peers of the allied troops fighting with them, and we have great admiration for them. After the signing of the armistice on November 11, 1918, Venizelos, representing Greece, attended the peace conference in Paris. He insisted that certain territory formerly belonging to the Central Powers be awarded Greece, but the peace conference failed to pass upon his demands. On May 5, 1919, he obtained consent of the peace conference for the Greek Army to occupy Smyrna, which resulted in a war between Greece and Turkey and in military operations of Greece in Asia Minor, which operations resulted in large financial expenditures by Greece, the impairment of her economic condition, and the depreciation of the drachma. The United States was not a party to this war. The reverses of the Greek Army in Asia Minor resulted in the overthrow of the Venizelos government, and King Constantine, upon the death of his son, King Alexander, returned to Greece as king on December 19, 1920. Thus the Government of Greece became again unfriendly to the allied cause. The allied governments refused to recognize the new régime in Greece and refused to make further financial advances under the tripartite agreement, for the consideration of it had failed. Thus it will be seen that it was not for the purpose of the prosecution of a common war that Greece in 1919 desired further advances from the United States, but because of financial necessities and reverses sustained in Asia Minor. I quote from page 390 of Doctor Gibbons's "Venizelos":

"Greece was in sore need of money for military expenses in Asia Minor, especially if she hoped to match the armaments the Turks were receiving openly from Russia and surreptitiously from Italy and France. But the United States used the change of government as an excellent pretext for not allowing Greece to draw further upon the credit granted her as a war measure. About \$30,000,000 was thus suddenly rendered unavailable. At the same time France, invoking the pretext that the Constantinist Government was illegal, refused to pay back to the Bank of Greece the large sums of money advanced to the French Army at Saloniki when the rate of exchange had been unfavorable to the conversion of francs into drachmas."

As before stated, the whole contention of the Greek Debt Commission in urging additional funds from the United States Treasury was that the credit belonged to the Bank of Greece because it had issued drachmas on it which were used by the Greek Government in prosecuting its military operations as an integral part of the allied forces. Even if this were true, owing to the depreciation in the value of the drachma, to-day \$1,500,000 would purchase and retire all the drachmas issued by the Bank of Greece on this credit. If \$1,500,000 would make the Bank of Greece whole, under what stretch of the imagination should the taxpayers of the United States loan Greece \$12,167,000? Even conceding for the sake of argument that there is a liability on the part of the United States under the tripartite agreement, in equity the greatest amount Greece could claim under it would be \$1,500,000, or a sufficient amount to retire and cancel the drachmas issued by the Bank of Greece based on the credit.

The American Debt Commission combated and denied all of the contentions of the Greek commission and insisted that there was no liability on the part of the United States to make further advances to Greece and that they would not fund on that basis; neither would they recommend to Congress that additional advances be made to Greece out of the United States Treasury. Negotiations ended and the Greek commission returned home. A few months thereafter we read in the press a statement sent out from Athens, Greece, to the effect that Greece was going to get \$33,000,000 from the United States Treasury. Shortly thereafter the public press contained the statement that the Secretary of the Treasury of the United States had appeared before the Finance Committee of the Senate in reference to the Greek indebtedness. If this bill becomes a law the Greek press notice will be partially verified at the expense of the American taxpayers.

It is interesting to note that under the proposed bill it is not proposed to turn over the \$12,167,000 to the Bank of Greece, but to the Greek Near East refugee settlement. Why this change? Can it be that it will be more appealing to the American Congress and the American people to advance money out of the Treasury for humanitarian purposes than to advance it to an international bank? We sympathize with and approve of the humanitarian activities of Greece in caring for her needy and we rejoice that charitable Americans have largely contributed to this noble work, and we commend it to our philanthropists as a most deserving cause, but we do not believe that the Congress of the United States can appropriate from the Treasury for this deserving charity. Charity begins at home, and if the Government of the United States is to deal in such gratuities there is great distress among our own people that has first call on the United States Treasury. The Pennsylvania coal fields, the distress of the Mississippi flood sufferers, and the financial needs of thousands of American citizens out of employment, it seems to us, have a claim on the charity of the United States prior to that of the Greek refugee settlement.

When Greece failed to obtain the \$30,000,000 out of the United States Treasury she then sought to obtain private loans. It may interest the House to know that the aid of the League of Nations was invoked for this purpose. On September 15, 1927, at Geneva, the Council of the League of Nations approved a loan of £9,000,000 (approximately \$45,000,000) for the Republic of Greece. Under the approval of the League of Nations \$17,000,000 of the loan is to be offered in London, Italy, and Sweden; \$12,167,000 is to be loaned out of the Treasury of the United States at 4 per cent, provided Congress consents to it, and the remainder is to be offered in New York and Switzerland. Under the terms of the loan Greek bonds of \$100 par value are to be sold to private bankers in London, New York, and elsewhere at \$91, these bonds bearing interest at 6 per cent, thus netting the purchasers a yield of practically 6½ per cent; while the \$12,167,000 to be loaned of the people's money out of the United States Treasury is to bear only 4 per cent interest. These statements are taken from an advertisement of international bankers in the London Telegraph, dated January 31, 1928, offering the bonds for sale in London and setting out in detail the activities of the League of Nations in connection with the approval of the loan.

We are advised that the bond issue offered by Greece through private bankers was oversubscribed. Therefore Greece is able to borrow money from private sources by paying 6½ per cent for it. The practical effect of the loan out of the Treasury would be to let Greece borrow \$12,167,000 from the United States Treasury at 4 per cent, thus saving Greece on the loan 2½ per cent interest at the expense of the American taxpayers. This we consider unconscionable, unfair, and inequitable to the taxpayers of the United States.

We believe it a dangerous and unwise policy for the United States to make loans direct from the Treasury to any foreign nation. The Treasury will not make loans to American citizens, no matter how well the loans may be secured. If this loan is authorized, it will become a precedent and we fear that many of the European nations now friendly to us will request financial aid from the United States Treasury, and, if the applications are declined, that our present friendly relations with some governments may become impaired. In our judgment, the wise course for this Government to pursue is to refuse to make this loan and thereby let all nations of the earth know that the Treasury of the United States will not perform the function of a private international bank.

Summing up, we do not believe there is either a moral or a legal obligation on the part of the United States to make any advances whatever out of the Treasury of the United States to the Greek Government, for the following reasons: The agreement to make advances to Greece was entered into during the war for our national defense purposes when that Government was friendly to the Allies and the consideration of the agreement was negated when the Greek Government became unfriendly upon the return of King Constantine; the United States was released from its joint war-time undertaking because France advanced nothing under it and England advanced 31,000,000 and was released by Greece from further advances without the consent of the United States; Greece breached the contract by failing to pay the interest due on the advances she had received; Greece further violated her expressed agreement by obtaining, without the knowledge or consent of the United States, a loan of \$8,000,000 in Canada; and Greece violated the terms of the new agreement entered into between her and the United States in 1919 that she would expend within the United States all sums advanced and furnish semimonthly itemized statements of her expenditures, which she failed to do.

CHARLES R. CRISP

Mr. GARNER of Texas. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman from Texas has 19 minutes remaining and the gentleman from Oregon [Mr. HAWLEY] has 50 minutes remaining.

Mr. HAWLEY. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman, in confirmation of the statement I made, that there had been an expenditure of the 250,000,000 francs, I want to quote from the hearings on pages 3 and 4. This statement has not been contradicted and it is also contained in another public document:

Advances were to be subject to the approval of an Interallied Financial Commission, composed of one representative from each of the signatory governments, and the use of funds was to be controlled by this commission and by a military commission similarly established. The reports of the American consul general at Athens, who represented the United States on this commission, showed that Greek expenditures under the agreement reached the total of 682,134,693.54 drachmas. One-third of that amount expressed in dollars aggregates \$43,883,998.62. Actually, Greece spent the full 750,000,000 francs, though owing to the failure of the Interallied Financial Commission to meet, the balance of these expenditures was not formally checked.

I state this in confirmation of the statement I made that the amounts which were to be paid by us were used by the Greeks in the campaign against Bulgaria.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, the reason I have been asked to speak on this bill is because of the fact that last summer I went through the Greek refugee settlements a few miles out from Athens, near Piræus, and saw the condition of the work being performed there by the Greek Refugee Commission, of which Charles Eddy, a citizen of this country, is chairman. I was with Sir John Simpson and others who went with Mr. Eddy and myself over all this work to show what they were doing and how they were accomplishing their task.

If you could only know the facts or if I had time and could present them to you as they ought to be presented, I am sure I would answer very much that my good friend, the gentleman from Georgia, Mr. Crisp, has said.

The gentleman has asked why loans were made by the international bankers and to whom. They were made to Greece primarily for these refugees, particularly the loan of 1924.

As everyone knows who is at all familiar with the subject, over £9,000,000 were realized from the 1924 sale of bonds and that amount, reaching over \$45,000,000, was expended by the Greek Refugee Commission. That was a 7 per cent loan, made through the international bankers of the world to anyone who would buy the bonds—they are to-day quoted at 98—and this money was lent Greece to save the lives of hundreds of thousands of refugees in these Greek refugee camps. I can bring



you all kinds of evidence of this, which no one will question because the reports made by the commission to the League of Nations, that helped finance the loan, accounts for every dollar so used.

I was out there and saw the little hovels where these people were gathered in a great camp near Piræus. Originally 1,400,000 of these poor refugees were driven out from Smyrna, from Turkey, and from many other places, and they were suddenly thrown upon a little war-stricken country of 5,000,000 people. It was the same as though we were forced to provide for 30,000,000 destitute people after we had just passed through a disastrous war. That is the proportionate burden placed on Greece to-day.

The Greek commission, under the League of Nations, of which an American, Mr. Eddy, is chairman, has put 143,000 families out on farms to date. This is about one-half of the total number of refugees. Nearly 700,000 men, women, and children are thus taken care of. About 700,000 refugees are still in the camps—old men, women, and children who are cared for by the commission.

Now, what is the moral obligation and what is the legal obligation? My good friend, the gentleman from Texas [Mr. GARNER], who is a very able man, has not touched on the moral obligation, in my judgment, although he discussed the subject at some length. He asks what is the moral obligation on the part of our Government.

The moral obligation is that the Greeks saved the American Nation hundreds, yes, thousands of lives of American boys. How did they do this?

Mr. GARNER of Texas. Will the gentleman yield?

Mr. FREAR. In just a moment, when I have finished my statement.

In this agreement, entered into between the United States and Greece in February, 1918, they said they would put on the front nine divisions, or 250,000 men, one man for every 20 people that lived in Greece, and they did this, on the understanding they were to be financed by whom? By France, by Great Britain, and by the United States. A total of 750,000,000 francs was to be advanced. Our share was 250,000,000, or about \$48,000,000. Did Greece perform her share of the agreement?

The statement has been made here, and I wish I could answer it in detail, that France did not pay her 250,000,000 francs. France and Great Britain had just spent 600,000,000 francs to finance Greece during the war. France contributed 300,000,000 francs of the amount. France put eight divisions, or 200,000 men, along with nine divisions of the Greeks, in the fighting on the Macedonian front. The combined force finally crushed Bulgaria and, on September 29, Bulgaria signed an armistice, only six weeks before the armistice that was signed in Paris on November 11, thus ending the war. That was the beginning of the end for the Central Powers. To Greece, as much as any small nation, goes the credit of breaking the morale of Germany. Let us get this moral and legal obligation clearly in mind, and I again repeat that 10 months after we entered the war the United States, Great Britain, and France agreed with Greece to finance Greece if she would raise nine divisions and start the Bulgarian campaign. I can not do better than quote from the report, which says:

In the winter of 1917 Great Britain, France, and the United States considered it urgently necessary that Greece should greatly increase her fighting strength in order to bring pressure to bear on the Central Powers along the eastern front. To enable Greece to lend the required assistance the United States, Great Britain, and France concluded with Greece the tripartite loan agreement of February 10, 1918. Under the agreement Greece was to expend immediately 750,000,000 francs of its own resources for the payment of soldiers, sailors, and other local military expenses. The United States, France, and Great Britain were to open on their books, in equal shares, credits to the Greek Government amounting to 750,000,000 francs, which were to support the bank notes issued by the National Bank of Greece for these war expenditures. This promised advance of 750,000,000 francs for soldiers, sailors, and local military expenses was in addition to an advance by France and Great Britain to Greece of 600,000,000 francs for munitions and supplies. During the war the United States, Great Britain, and France were not to make actual advances of the credits unless the foreign balance of the Greek treasury and the National Bank of Greece fell below 100,000,000 francs, but six months after the conclusion of peace the balance of these credits was to be available to Greece without any restriction. Thus the agreement expressly provides for advances to Greece subsequent to the conclusion of peace.

Relying upon the undertaking of the United States, Great Britain, and France, Greece actually spent the full 750,000,000 francs for the purposes specified in the tripartite loan agreement. She was thus

enabled to put 250,000 men in the field, increasing her army from three divisions to nine, and, as shown by the following time table of events, secured the urgently desired victory on the eastern front, which played such an important part in the ultimate success of the allied cause:

1. February 10, 1918. Agreement by the United States, Great Britain, and France to loan 750,000,000 francs to Greece.

2. Throughout the winter and spring of 1918 the Greek Army was reorganized and reequipped and on the Macedonian front Greek troops gradually replaced British and French troops recalled to the western front, until the new Greek Army had been so greatly increased that it represented the largest allied contingent.

Mr. Chairman, now coming to the moral obligation that involves the honor and respect for this Government's word before the world: Relying upon our pledge made when we were unable to get American soldiers to the front equipped and trained for battle, Greece secured credit and hastily equipped an army, which in proportion to our own population would have meant 6,000,000 men for us, or 1 out of every 20 people in Greece; and then Greece fought with the courage of the early Spartans. Let me again quote from the high military officers who were in that offensive or who have measured its effect on the war. From the report we again learn:

3. May 20, 1918. The new Greek Army was successfully tested out in battle in the attack on Skra-di-Legen.

4. September 15, 1918. Beginning of the allied offensive on the Macedonian front, which culminated in the decisive allied victory. The allied armies were composed of 9 Greek divisions, 8 French, 5 Serbian, 4 British, and 1½ Italian. Both Franchet d'Esperey (commander in chief of the allied armies in Macedonia) and General Milne declared that the Greek Army had proved a decisive factor in the victory. The British general said: "Without the aid of the Greek forces the present victory could not have been obtained."

5. September 29, 1918. Armistice signed between the Entente Allies and Bulgaria.

Says General Ludendorff: "There were no illusions about the seriousness of the situation created by the collapse of Bulgaria." (Ludendorff's Own Story, Vol. II, p. 369.)

Count Burian, Minister for Foreign Affairs for Austria and Hungary (1915-1917 and 1918) declares:

"Fate took its course. When the Balkan Army with the newly enrolled Greek troops developed a strong offensive, the Bulgarian troops fled. A terrible experience for the veteran army accustomed to victory, it was a shattering blow, not only to the weakening morale of the enemy armies in the field but also to the morale of the people at home. \* \* \*

"In dealing with the military situation, the Central Powers took steps to establish a new shortened front against the advance of the Entente troops through Serbia. In this they were not successful, as the following days soon showed. Nothing could now check the unrestrained development of events within the monarchy and Germany, which now took their headlong course, under the influence of a kind of panic that everything had been lost." (Austria in Dissolution, Burian, p. 395.)

October 30, 1918. Armistice signed between the Entente Allies and Turkey.

As a legal proposition how can any man contend that this Government is not bound to loan the full \$48,000,000 to Greece which we agreed to pay on February 10, 1918, if called for? Did we not receive full consideration from Greece for the 1918 agreement? Did not Greece advance the money and did she not fight our battles as well as her own? If she had lost in that offensive our legal obligation would have been the same, but she won and shortened the war so that within six weeks it was ended. The moral obligation, far greater than any bare legal proposition, lies in the fact that not only did she perform her part of the agreement, but by shortening the war Greece saved this Nation a hundred million dollars for every day so saved in war expenses. Far greater to a hundred million Americans by winning the offensive and crushing Bulgaria, thousands of young American soldiers were saved and returned home to become good American citizens. To say we can welch out of our liability by any weasel words that Greece was to spend money for equipment with American munition makers lends color to the frequent charge that they were behind the war. Greece won whether the guns were bought in America or in France. To say that we can dodge our responsibility by saying that Greece afterwards negotiated a loan for necessary Government purposes is equally indefensible, because, when we failed to promptly pay our \$48,000,000, Greece could not wait for us to decide whether we would keep our pledge to her. She had to get money somewhere and when we refused her bread she had to get it wherever civilization would offer it.

Greece has offered to leave it to arbitration but we refuse, and adding insult to injury, we refused to pay a just debt or arbitrate. Let us see if this is not so. Practically every

official authority in the Wilson administration that made the agreement has so declared. This Government has pledged itself to make the loan agreed to on February 10, 1918, of \$48,000,000. Again I quote from the report:

Under date of December 31, 1920, the Department of State wrote to Assistant Secretary Kelley of the Treasury Department:

"The President was informed by letter dated December 25 of the inquiry made by the Treasury. He has expressed his concurrence in the recommendation made by this department that the credit obligation negotiated with the Venizelos government (referring to the credit of \$38,000,000) should be considered as still binding on this Government, and that the Greek chargé d'affaires, on proper application, should be recognized as representing the government of King Constantine."

Under date of January 10, 1921, the Undersecretary of State, Norman H. Davis, wrote Senator Williams:

"If and when this Government extends recognition to King Constantine or continuous relations with the Greek Government, I do not see how the Treasury can legally or morally cancel its obligation to complete the advance to Greece under the terms stipulated."

Under date of January 13, 1921, Assistant Secretary of the Treasury Kelley wrote to the State Department:

"I understand from Mr. Merle-Smith's reply of the 3d ultimo that the President has expressed his concurrence in the recommendation made by the Department of State that the financial arrangements made with the Greek Government early in 1918 should be considered as still binding on this Government."

Under date of January 14, 1921, the Undersecretary of State, Mr. Davis, wrote to Mr. Kelley:

"You are correct in your understanding of the President's views in respect of the financial arrangement with the Greek Government early in 1918."

On March 3, 1921, the last day of the Wilson administration, there was prepared by Assistant Secretary Kelley, who had been in charge of all foreign loans, a memorandum intending to inform the incoming administration as to the exact situation in respect of these loans, the policy of the department, and the obligations of the Government as viewed by the outgoing administration. In respect of the Greek loan, the memorandum of Mr. Kelley reads in part as follows:

"The Treasury is not in a position to complete any arrangements for further advances to Greece until the Department of State officially advises the Treasury that the present chargé d'affaires of the Greek Legation in Washington is the authorized person in charge of the legation with whom the Treasury may officially deal as having been accredited to this Government by the present King Constantine. After these advices are received the Treasury is, in my opinion, bound to make advances to Greece in accordance with the agreement of 1918, and it would be wise, unless the Department of State shows reason to the contrary, for the Treasury to continue in accordance with the arrangements set out in Mr. Davis's letter of November 23, 1919, to the Greek Minister in Washington to make advances in installments as requested by the Greek Government."

Thus these officials expressed themselves on the performance of Greece of her promise to raise her army and fight all in pursuance of the agreement of which I quote Wilson's approval:

I am disposed to feel that, in view of the joint recommendation of Colonel House, General Bliss, and Mr. Crosby, that this be done, we should join with Great Britain and France and advance one-third of the 750,000,000 francs to Greece, although this does involve expenditures outside of our country. If you approve, may I ask that you indicate your approval upon this letter, carrying as it will the establishment of a credit for Greece of 250,000,000 francs, or approximately \$44,000,000 at the current rate of exchange.

Cordially yours,

W. G. McADOO, Secretary.

THE PRESIDENT,

The White House.

THE WHITE HOUSE, December 10, 1917.

Approved.

WOODROW WILSON.

Again I quote from the committee report to show the confidence which governed all parties in these negotiations:

There is no doubt but that Greece expended for war purposes under the 1918 agreement an amount largely in excess of the advances she has since received.

Upon the recommendation of the American delegate on the Inter-allied Financial Commission, the Secretary of the Treasury, with the approval of President Wilson, established on the books of the Treasury the following credits in favor of Greece for which the Treasury holds the obligations of that Government:

	Amount
June 20, 1918	\$15,790,000.00
Dec. 3, 1918	23,764,036.00
Mar. 25, 1919	3,858,930.00
July 31, 1919	4,823,663.05
	48,236,629.05

Against these credits the Treasury made cash advances as follows:

	Amount
Dec. 15, 1919	\$5,000,000
Jan. 18, 1920	5,000,000
Sept. 24, 1920	5,000,000

All told, we advanced \$15,000,000, leaving credits amounting to \$33,236,629.05 remaining on the books of the Treasury.

Greece financed this undertaking and put in every dollar, raised her army and fought our battles, expecting, of course, to get this loan. The loan to be paid by us was to be one-third of 750,000,000 francs, or \$48,000,000.

This is the moral obligation that we owe her, because we agreed to finance Greece when she raised the army.

I now yield to the gentleman from Texas.

Mr. GARNER of Texas. We agreed to give her \$33,000,000 more than we have given her; why does not the moral obligation carry us to that extent?

Mr. FREAR. That is just the question I wanted to answer, and I am very glad the gentleman has asked it.

If I wanted to borrow from the gentleman from Texas \$33,000,000 or only \$33, which would be nearer our capital, and I came to you and said, "Twelve dollars, John, will be sufficient to finance me; I do not need to borrow any more, because I can not pay the interest on the old debt and I can not pay interest on a new debt of \$33, and I do not need the rest of the money," then there would be no moral obligation on your part to loan more, even though you had agreed to do so; but if you owed that to me and I did not ask you to reduce it, it would be a different matter. I am speaking in dollars where these Governments during the war and since speak in millions.

Now, my friends, this is the situation—

Mr. GARNER of Texas. Will the gentleman yield once more?

Mr. FREAR. I have answered the gentleman and my time is limited. The moral obligation is incurred because Greece performed her work; she fought our battles; Greece financed what she agreed to finance, and we never did, although we finally loaned her \$15,000,000 of the \$48,000,000 we had agreed to pay and which she expended in raising her army.

Let me add that the statement of my friend, Mr. CHURCH, that, he alone of all the reparation commissioners, opposes this settlement carries its own argument.

Now, I do not claim my good friends are playing politics, although the lines drawn sound largely on this side of the aisle. I would stand with them if I thought they were right, but it is not interesting to note what Senator BURTON has just read showing that practically every official of the Government—every Democratic official in the State Department, every official in the Treasury Department—with President Wilson agreed to this pledge made with Greece in 1918. The \$15,000,000 loaned on the agreement and the credit of \$48,000,000 stands against this Government in favor of Greece.

This is stated on page 18 of the hearings on the Greek debt settlement, and the only one against it to-day, or the one leading the fight against it, is one member of the Debt Funding Commission, my good friend from Georgia.

The Republican administration, let me say, is doing something that the Democratic administration morally and legally bound us to do in past years, and now we can not afford to waver on it, particularly since the action by Greece probably saved hundreds and thousands of lives of American boys, because Greece broke the line at that time and all authorities quoted show the effect of that offensive.

My friends, I have three or four different propositions which I would like to discuss briefly.

The \$15,000,000, with interest added, means a total of \$19,000,000. It is proposed that this \$19,000,000 shall be refunded as we refunded the Italian and the other debts. I think the Italian debt was funded on the basis of 26 cents on the dollar, while this is at 34 cents, its cash value of more than one-half of the 65-cent cash basis of the British settlement. Certainly Greece could not be asked to do more.

We only paid \$15,000,000 on the \$48,000,000 that we agreed to put up to finance the war at that time. President Wilson and the entire war administration agreed to the full amount. Greece at that time borrowed the money wherever she could get it and financed the offensive, and now Greece asks not for \$33,000,000, the balance, but for practically \$20 per capita, to take care of these 700,000 refugees that they have in the camps and are practically destitute. Remember 700,000 in round numbers have been cared for, and about the same number remain, that the commission is providing for as rapidly as possible.

I went through these camps last summer with the commission, and, as I have said, the refugees live in little hovels. They live in places that are not as wide as this path between



the aisles, where you can hardly pass each other, but they are very clean. They sweep out their little places with the dirt floors and they look as happy and as well as they possibly could. The Greek Refugee Commission has established hospitals for them, and has cared for them in a hundred different ways, buying seed grain to start them, building homes at a cost of \$200 in many cases, supplying medicine, food, and clothes when necessary, and in every way expending as carefully as possible the \$50,000,000 in round numbers so far raised through the aid of the League of Nations. But remember that that amount of money used to relieve 1,400,000 destitute refugees during four or five years is small indeed.

Every dollar of this money is going to the Greek refugees, and every dollar of the bonds issued, of which I have spoken, has gone to the refugees. Greece is under a tremendous burden. I can not express it—you know what a small government it is—and they have a tremendous burden placed upon them. Greater than any other government in the world, according to her size. The commissioners are to care for them. I would not hesitate to give the \$12,000,000 to them outright. We did so with Russia, with Austria, and other countries, why not to Greece that has helped us win the war? Out of the \$4,700,000,000 appropriated this year, 75 per cent of it is going for wars, past and future. That is the history of our war activities—caring for our debts, interest, veterans, and for our Army and Navy. Now, we can not quibble where we owe a just debt of this kind, and we certainly owe it—it is a moral obligation and a legal obligation—not to be paid in cash but to loan Greece and to be repaid with interest. We had the benefit of the sacrifice of the Greeks. They put 250,000 men, nine divisions, into the field. They did exactly what they guaranteed to do. We have done nothing except to give the \$15,000,000, and we did it grudgingly.

Now, I can not think of anything that is a greater humanitarian work, a better work for this Government to do, than to pay this comparatively small amount for the protection of these women and children, these old men that I saw there without any of the comforts of life. They have put about 700,000 out on the farms, as stated. I saw them working there, selling little carpets, mats, things that they had made. Many of them were without any furniture, only boxes. I am sorry that the gentleman from Florida [Mr. GREEN] said what he did. He has come into Congress asking for favors. He is entitled to ask for favors. Just as you gentlemen came last session and asked for \$325,000,000 for flood control, and we gave you what we could, and the taxpayers are meeting these amounts, but this is to be a small loan that we have promised to make.

Mr. GREEN. They referred us to the Red Cross.

Mr. FREAR. But the Red Cross can not work over there; nor is it a matter for the Red Cross here. I believe that this Government ought to keep its promise even in this slight degree and should loan the money promised for the relief of these people.

Bear in mind again that the Greeks put 250,000 men under their agreement into the war and broke the Macedonian front; that we agreed to loan them \$48,000,000, and we can not get behind the skirts of other countries if they failed to do their duty. Great Britain and France had given Greece 600,000,000 francs long before this last agreement. They gave many divisions of men to help Greece. We gave nothing but empty agreements, and later \$15,000,000 on account.

My friends, \$12,000,000, as the gentleman from Ohio has well said, will not crush this Government in paying its honest obligations. If we refuse to pay this \$12,000,000 it will put us in the eyes of the world in a contemptible light—the richest Government that has had the benefit of the lives of these Greek soldiers, and that is a position that we can not afford to take.

I am willing to vote \$100,000,000 or \$300,000,000, if necessary, for my people here for floods or other needs; but this is not a gift; it is a loan of money to take care of the lives of women and children who are there now in the refugee camps.

Now I have concluded, and I am ready to answer any question that may be asked.

Mr. PERKINS. Under the terms of the original agreement to lend the money to Greece, was there any time set for repayment?

Mr. FREAR. There was no time fixed for the repayment of the Greece loan any more than there was to the loans given to Great Britain and France. When I was on the committee I discovered that we had not any evidence of any of these debts except memorandums from the ambassadors.

Mr. PERKINS. Then, if there was no time limit in which they were to make a repayment we could demand it at once as a moral obligation?

Mr. FREAR. We could do that with every loan during the past 10 years. But we could not have collected on our loans.

As I say, Greece gave the lives of her soldiers and we promised to help them. Now they need the money to care for these refugees.

When France was doing her share and Great Britain was doing hers, can we sit back and say, "We do not owe you anything because you did not demand it"? I am sure the House will not so decide.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman and gentleman of the committee, when the matter of settling this loan, with the inclusion of a provision for a further advance to Greece of \$12,000,000, or any other sum, first came to my attention I was inclined, as I think many Members of the House have been, to question and to doubt first the wisdom and then the necessity for any advancement of money by our Government to one of our allies so long after the termination of the war. In fact, I was in my own mind opposed to it, unless it could be demonstrated that it was a proper and necessary thing to do. I have studied this situation quite carefully. I have read everything that I have been able to find upon it and I am prepared to vote for this settlement. I think it is just, fair, reasonable, and based not only upon a moral but upon a legal obligation upon the part of our Government.

The history of the participation of Greece in the World War has to some extent been recited. The Allied Powers needed the assistance of Greece in 1917 for the purpose of making attacks on Bulgaria and Turkey who were allied with the Central Powers. Our own representatives, General Bliss, Mr. Crosby, and Colonel House, an unofficial representative of the President, were upon the scene. They, with representatives of Great Britain and France, held a conference with representatives of the Greek Government, and it was then agreed that in consideration of certain military operations to be performed by Greece, the three Governments of the United States, Great Britain, and France would advance moneys to the Greek Government. The British Government and the French Government were to advance 600,000,000 francs in the first instance for the raising of troops, and these two Governments, together with the United States, were to advance 750,000,000 francs thereafter for the maintenance of these troops, and it was specifically agreed that Greece should increase her three divisions in the army to nine divisions for the purpose of engaging in the war on the eastern front. This money was to be placed to the credit of Greece upon the accounts of the three Governments of the United States, Great Britain and France. A financial commission was appointed to handle the money end of the proposition, and a military commission was appointed to handle the military operations. This military commission was to report to the financial commission when Greece had complied with the terms of the agreement, so that Greece would get the credits upon the books of the three countries.

So far as the United States is concerned, the military commission did report to the financial commission, and a statement as to this report is found on page 4 of the hearings, the same statement mentioned a while ago by the distinguished gentleman from Ohio [Mr. BURTON] to the effect that—

The reports of the American consul general at Athens, who represented the United States on this commission, showed that Greek expenditures under the agreement reached the total of 682,134,693.54 drachmas. One-third of that amount expressed in dollars aggregates \$43,883,998.62. Actually, Greece spent the full 750,000,000 francs, though owing to the failure of the Interallied Financial Commission to meet, the balance of these expenditures was not formally checked.

An examination of the war operations in Greece shows that Greece kept her part of the agreement so far as the manning and providing of the troops on the eastern front was concerned. The reports made to our own Government showed that the money had been expended with the approval of the two commissions and, as a result, upon the books of the United States Treasury, with the approval of President Wilson, there will be found in favor of Greece the following credits: As of June 20, 1918, \$15,790,000; December 3, 1918, \$23,764,036; March 25, 1919, \$3,858,930; July 31, 1919, \$4,823,653.05; or a total of \$48,236,629.05. These are credits shown on the Treasury accounts of the United States to be due to Greece by reason of her fulfillment of her part of the tripartite agreement of February 10, 1918. The money was not actually paid to Greece. The original agreement provided, and some one asked that question a moment ago, I think the gentleman from New Jersey [Mr. PERKINS], that this money should be paid by the three Governments whenever the foreign balances of Greece amounted to less

than 100,000,000 francs and in any event within six months after the peace following the war.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. SIMMONS. It is my understanding that the money was not actually paid to Greece until during the war with Turkey.

Mr. CHINDBLOM. Subsequently the arrangement was changed, as in all other cases, so that instead of paying money to Greece we gave her credit upon purchases made by her in the United States. In fact, that is the way the whole war was financed, so far as these foreign debts and loans are concerned.

Mr. SIMMONS. Am I correct in understanding that the money was not actually used by Greece, or the credit, until after the World War was over and when Greece was at war with Turkey?

Mr. CHINDBLOM. The war with Turkey has been brought in here but has nothing to do with this situation at all.

Mr. BURTON. Mr. Chairman, if the gentleman will permit, the Bank of Greece advanced these amounts under the agreement that when their foreign credits fell below 100,000,000 francs, or within six months after the close of the war, the amount was to be repaid. Their credit was good.

Mr. SIMMONS. It is the statement in the minority report that I want checked up.

Mr. CHINDBLOM. I will say to the gentleman that he will find no reference to the war between Turkey and Greece anywhere in the hearings, in the documents, or in any of the reports, except in the minority views of the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Oh, I am sure that my friend desires to be accurate. If he will take the majority report, he will see that it states all about the participation of Greece on the Macedonian front.

Mr. CHINDBLOM. Oh, yes.

Mr. CRISP. I injected that in the minority report to answer the argument of the majority that brought in the Greco-Turkish War.

Mr. CHINDBLOM. But nowhere else is there any statement that this money was to be used in any way in connection with the Turkish War.

Mr. SIMMONS. In the minority report on page 27 there is one sentence—

But no advance was requested by Greece until September 3, 1919, at which time she was at war with Turkey.

Does that mean Greece did not actually get \$15,000,000 in credit or cash until some time after the 3d of September, 1919?

Mr. CHINDBLOM. The actual payments to Greece were made as follows: December 15, 1919, \$5,000,000; January 3, 1920, \$5,000,000; and September 11, 1920, \$5,000,000. These payments would have been continued had it not been for the fact that King Constantine returned to the throne of Greece, and we thereafter refused to have any diplomatic relations with the Government of Greece.

Mr. FREAR. The old government.

Mr. CHINDBLOM. In the combined annual reports of the World War Foreign Debt Commission, page 325, it will be found that there is nothing strange in the fact that the payments to Greece were delayed until a proper adjustment and audit of the accounts between the two countries could be made. The last payments on loans to various governments by our Government were made as late as the following dates:

May 29, 1922, to Czechoslovakia	\$717,834.36
Mar. 30, 1921, to Italy	16,695,063.91
Sept. 28, 1920, to France	10,000,000.00
Sept. 24, 1920, to Greece	5,000,000.00
Sept. 17, 1920, to Czechoslovakia	732,165.64
Aug. 31, 1920, to France	10,000,000.00
Aug. 26, 1920, to Belgium	10,469,467.89
Aug. 5, 1920, to France	10,000,000.00
July 28, 1920, to Czechoslovakia	1,000,000.00
July 6, 1920, to France	10,000,000.00

It will be observed that Czechoslovakia, Italy, and France all received payments on account of loans later than the last payments to Greece.

Mr. NEWTON. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. NEWTON. Am I to understand it was the change in the Government of Greece that delayed further payments after the three \$5,000,000 installments?

Mr. CHINDBLOM. Yes. I had intended to quote, and will quote, statements by the heads of the last administration, the Wilson administration, on the question of the obligation of our Government, and I will say that some of us find ourselves in the very unusual position of standing up here to defend the action

of that administration and insisting that its obligations and commitments shall be performed:

Under date of December 31, 1920, the Department of State wrote to Assistant Secretary Kelley, of the Treasury Department:

"The President was informed by letter dated December 25, of the inquiry made by the Treasury. He has expressed his concurrence in the recommendation made by this department that the credit obligation negotiated with the Venizelos Government (referring to the credit of \$38,000,000) should be considered as still binding on this Government, and that the Greek chargé d'affaires, on proper application, should be recognized as representing the Government of King Constantine."

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Under date of January 14, 1921, the Undersecretary of State, Mr. Davis, wrote to Mr. Kelley:

"You are correct in your understanding of the President's views in respect of the financial arrangement with the Greek Government early in 1918."

On March 3, 1921, the last day of the Wilson administration, there was prepared by Assistant Secretary Kelley, who had been in charge of all foreign loans, a memorandum intending to inform the incoming administration as to the exact situation in respect of these loans, the policy of the department, and the obligations of the Government as viewed by the outgoing administration. In respect of the Greek loan, the memorandum of Mr. Kelley reads in part as follows:

"The Treasury is not in a position to complete any arrangements for further advances to Greece until the Department of State officially advises the Treasury that the present chargé d'affaires of the Greek Legation in Washington is the authorized person in charge of the legation with whom the Treasury may officially deal as having been accredited to this Government by the present King Constantine. After these advices are received, the Treasury is, in my opinion, bound to make advances to Greece in accordance with the agreement of 1918, and it would be wise, unless the Department of State shows reason to the contrary, for the Treasury to continue in accordance with the arrangements set out in Mr. Davis's letter of November 23, 1919, to the Greek minister in Washington to make advances in installments as requested by the Greek Government."

Therefore, the Wilson administration, up to the very hour of 12 o'clock noon on the 4th day of March, 1921, when it went out of office, held consistently and persistently that Greece was entitled to receive advances in full up to the amount of \$48,000,000; and well it might.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURTON. I yield to the gentleman one additional minute.

Mr. CHINDBLOM. I want you to examine, if you will, the reasons given by my distinguished friend from Georgia [Mr. CRISP] why this \$12,000,000 advancement should not be made now. His objections may fairly be classed as technicalities.

The objection based on the Canadian loan is a technicality, and the charge that the interest was not paid is a technicality. Greece did pay some interest on its loan and in that respect was different from some of our other creditors. The substance of the agreement was that this advance should be made in consideration of the fact that Greece enlarged her military forces on the eastern front.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HAWLEY. I yield to the gentleman one minute more.

Mr. CHINDBLOM. This in conclusion: It is said that because we will not allow Greece the whole \$33,000,000, we should not loan the \$12,000,000. Greece is satisfied now to accept \$12,000,000. This is a compromise between the two governments, and, inasmuch as we have insisted that foreign countries shall pay their obligations to us, I trust America will carry out all the obligations she has incurred, including proper and necessary compromises. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.



Mr. CHINDBLOM. Mr. Chairman, under the leave to extend by remarks, I will merely add that I deem it unfortunate that this settlement with the Hellenic Republic has been so long delayed. If it had been undertaken soon after the close of the war, I am sure an amicable arrangement would easily and speedily have been reached. The people of Greece suffered great losses and made great sacrifices, under very unhappy conditions, during the World War, and they are now engaged in a great humanitarian enterprise in caring and providing for the million and a half of refugees whose only hope for future welfare, aye, for their very existence, rests with the people and Government of Greece. We should rejoice that, in compromising and settling an international dispute, we are also privileged to contribute something to the promotion of so noble a cause.

Mr. CRISP. Mr. Chairman, acting for Mr. GARNER, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. BLANTON. Mr. Chairman, I am against the provisions of this bill to lend more money to Greece. The minority report of the gentleman from Georgia [Mr. CRISP] has been on file in this House and printed since the 15th day of last March. The gentleman from Wisconsin [Mr. FREAR] urges that this is a matter of great importance and a matter of urgent necessity; that this money is to be used in advances to Greek refugees. Why was he not so insistent during the last 15 days in March and during all of the month of April and during all of the month of May if this \$12,000,000 should have been advanced?

Mr. FREAR. Like the influence of my friend from Texas, my influence in the House is very modest, indeed.

Mr. BLANTON. Yes; but the influence of the gentleman from Wisconsin is growing rapidly with the Republican administration, and has been growing after the election.

Mr. FREAR. This is following the Democratic recommendations all the way through.

Mr. BLANTON. The fact is that this minority report of the gentleman from Georgia is unanswerable, and his speech here to-day and that of my colleague from Texas [Mr. GARNER] are unanswerable. And if there were such a great and urgent necessity as the gentleman from Wisconsin would indicate, then it was a matter of sufficient importance that the Rules Committee of this House during the last days of March and all of April and all of May should have brought in a rule to bring up this bill and pay an honest obligation of this Government. That is unanswerable.

Mr. FREAR. There is no doubt about it.

Mr. BLANTON. But there was no hurry about it then. We should keep this \$12,000,000 in the Treasury. I shall vote against lending it.

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Florida [Mr. GREEN].

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. GREEN. Mr. Chairman and members of the committee, I am glad to have this opportunity to register my protest against the passage of the bill. It has been with considerable interest that I have listened to the eloquent remarks of the gentleman from Ohio, the gentleman from Georgia, and others. In my opinion there is neither a moral nor legal obligation upon the part of the United States to Greece. I do not agree with the gentleman from Wisconsin when he states that there is a moral obligation on our part. I can not see where it is our duty to have paid great bills for army and navy which were incurred by the Greek soldiers and sailors.

The gentleman from Ohio stresses the fact that he has voted for the cancellation of the war debts of other foreign nations. I am glad to say that it gave me pleasure to register my vote and protest against the cancellation of the foreign debt owed by Italy and some of the other nations to the United States, and may I remind my colleagues that this man Mussolini, who is now carrying on such a high hand in the political history of Europe, is, in my opinion, bound to bring the next serious trouble to the United States. I predict that if this man should live 15 years longer he will make trouble for us, and I believe it is time that America should cease playing Santa Claus for Europe.

No nation is more generous to its friends or more merciful to its enemies than is America, but our generosity and mercy has gone far enough relative to the European nations. It is bad practice to, as a Government, continue to donate and pour American money into the coffers of European nations. The manner in which the present Republican administration has canceled foreign war debts owed us by foreign nations, and thus make room for private American loans in foreign nations,

is astounding. It is not good policy to cancel public debts owed our Nation by foreign nations in order that a few millionaire banks in America may make safe their 6 per cent loans to these foreign nations. I believe in safeguarding American public funds just the same as if they were individual funds. I do not believe in shirking one inch from any just debt or obligation which our Government owes. I should uphold the integrity of our Nation should it take every dollar in the Federal Treasury, but this continual donating of American funds to foreign governments should cease, and I for one shall do my part toward culminating it by voting against the passage of this bill.

The nations which are supposed to have lost the war—Germany, for instance—is now profiting more by the war than any nation which was the victor. The victorious nations are maintaining large armies and navies and going to various other expenses in collecting reparations from the Central Powers. These reparations are costing the Central Powers far less than it would cost them to maintain a large army and navy. It has been argued by the gentleman from Wisconsin [Mr. FREAR] and the gentleman from Ohio [Mr. BURTON] that our Nation is so rich and that it should look with generosity upon the less fortunate European nations, and may I remind these gentlemen and others of the Republican faith that while the United States is a rich Nation to-day, this condition can not long exist if they continue to deplete and squander the American resources, sending them to these foreign nations as they have been doing in the recent past. The resources of America are being rapidly consumed. Many millionaires have grown up in America overnight almost, and these few touting millionaires have about taken possession of our Government and would use it as a means by which public debts may be canceled and private loans may be negotiated. This practice, if continued, will soon reduce the financial condition of America to a level with that of foreign nations. The American population is rapidly growing while her natural resources are becoming less and less. The very best business practice should be exercised by our Government in safeguarding the wealth of America for Americans.

We may not expect friendly turns and friendly favors from foreign nations of Europe as we have had heretofore, because they look upon us with jealous and envious eyes, therefore we must make America safe for her own people. It is not unusual to see in the press, almost daily, of great donations being made by American millionaires to foreign countries or to citizens of foreign countries. It is not unusual to read almost daily of American heiresses exchanging their fortunes in matrimony for some foolish European title, thus selling the wealth of America for useless, pompous European titles. This is a splendid system used by so-called royalty of Europe to drain from America millions of dollars annually. I look upon such practice with disgust and contempt and for me the title of plain American citizen is all that I should have and all that I ever desire. It is good enough for me. These millionaire individuals who are sending our money to Europe are doing that as a result of a drain from the American common people, either directly or indirectly. For instance, when the Rockefellers and other oil magnates make a big donation to some foreign country or foreign individual, you will probably in the immediate future pay 1 cent per gallon more for the gasoline consumed in your automobile, thus showing that these millions are drained from the American public and lavishly squandered on foreign governments or foreign individuals. And may I admonish my colleagues that the bill which is now before the House has a tendency to cause our Government to do as these few millionaires are doing and I for one am not willing to give my sanction to any such legislation. I refuse to vote for a bill which will indirectly tax my own people for moneys which go for the benefit of foreigners and foreign governments when obligation on the part of my Government to said individual or government does not exist.

The gentleman from Wisconsin [Mr. FREAR] referred to the necessity of Federal aid for Florida. I grant you, my colleagues, that we should have Federal aid for control of floods in the Everglades, Suwannee River Valley, and other sections of our State, but when we called upon our Government to come to our aid we were respectfully referred to the American Red Cross. The Red Cross, that great auxiliary of humanity, came to our relief, but we now expect our Government to authorize moneys by which future floods may be prevented in these areas, so the gentleman from Wisconsin would extend to the Near East relief such moneys as have been denied our own American people in Florida. I refuse to subscribe to such doctrine. I will go as far for charity as an individual or for my Government as is possible or consistent, but I refuse to help to cancel by my vote the debt which is due my Government from a nation which is able to pay. I refuse to squander American

public funds because American individual banks desire to make safe loans to that country. I shall vote against the passage of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I want to talk about this case exactly as it is for a few minutes without straying outside and discussing matters that might seem more or less irrelevant. I may say by way of preface that I have voted for all of the debt settlements negotiated by the Debt Funding Commission. But I can not vote for this bill, which proposes a settlement of a debt due the United States, and proposes something else, because I do not believe the facts as I understand them to exist are sufficiently clear to justify the support of the latter proposal. I would have no hesitation at all in acquiescing in the portion of the bill which provides for the refunding of the indebtedness of Greece, but when I come to the other portion of the bill I find myself unable to give it my approval.

Now, it is a curious sort of a case. It is said that an obligation accrued to Greece in 1918 to receive from this Government a very large amount of money. It is rather a strange circumstance if the Government and its advisers did not doubt the obligation that during the period of a decade since the initial transaction Greece, always needing money, money has never been paid. That is certainly one fact of significance, which indicates at least the doubt in which the entire matter was shrouded in the estimation of those who have been conducting our Government.

Now, my friend from Illinois [Mr. CHINDELOM] undertook to give the attitude of the Wilson administration. When the report came from the Ways and Means Committee last spring I addressed an inquiry to Mr. GLASS, who was the Secretary of the Treasury under Mr. Wilson in 1919 and who certainly has a high sense of any legal or moral obligation under which the Government may be placed, and here is what Mr. GLASS said in reply:

Responding to yours of March 19, there is little I can say about the proposed loan to Greece of \$12,000,000 at 4 per cent beyond my recollection of the fact, now confirmed by inquiry of former Treasury officials intimately identified with the transaction, that the Treasury suspended payments to Greece on the original commitment when King Ferdinand was reenthroned and Venizelos practically exiled. We were notified that England had discontinued payments for this reason and that France had refused to make any payment at all under the tripartite commitment. The feeling was, as I remember, that Greece, having recalled its pro-German sovereign, all moral obligation to extend further loans was obliterated, and for this reason payments on the original commitment were stopped.

Now, if any moral obligation was extinguished there are certainly no gentlemen here who will deny that any legal obligation was likewise extinguished.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CRISP. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. MOORE of Virginia. That is an expression from one of the ablest and most responsible officials under President Wilson with reference to this matter.

Now, something else. During the Harding administration there was not a dollar paid, though Greece was in need of money, and during that administration the Secretary of State, who is not surpassed by anybody in this country in his ability and experience as a lawyer and who certainly has as keen a conception of the effect of obligations as any of us, said emphatically that in his judgment no liability remained.

Mr. FREAR. No legal obligation?

Mr. MOORE of Virginia. No legal obligation; and if so, how can there be any moral obligation? It is pretty difficult in a case of this kind to separate legal and moral obligation.

Then something further. In 1926, in the Coolidge administration, no payment was made, as there had been none made under the Harding administration, and in 1926 the Debt Funding Commission, after full and meticulous consideration of the matter, came to the conclusion that no obligation rests upon the Government.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman and gentlemen, during the war, and for many years thereafter, I heard many attacks from the Republican side on the Democratic administration for the broad

and liberal aid it gave to the allied nations. Therefore I am, indeed, pleased to see some of my Republican colleagues to-day approve, as they have been forced heretofore by facts, of the acts of the Democratic administration during and since the war.

The bill under consideration provides as follows:

The existing indebtedness, amounting to \$18,125,000, shall be funded over a period of 62 years. The computation of this indebtedness is set forth below:

Principal amount of obligations to be funded.....	\$15,000,000.00
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4½ per cent per annum.....	744,333.79
Total principal and interest accrued and un- paid as of Dec. 15, 1922.....	15,744,333.79
Interest thereon at 3 per cent per annum from Dec. 15, 1922, to Jan. 1, 1928.....	2,383,588.88
	18,127,922.67
To be paid in cash by Greece upon execution of agree- ment.....	2,922.67

Total indebtedness to be funded..... 18,125,000.00

(2) The bonds aggregating in face amount \$20,330,000 (the existing indebtedness, as computed above, together with the interest to be paid in respect thereof) shall be paid in annual installments beginning July, 1928, up to and including January 1, 1990, on a fixed schedule, subject to the right of Greece to make such payments in 3-year periods, any postponed payments to bear interest at 4½ per cent per annum, payable semiannually. The amount of the first annual installment shall be \$40,000, the annual installment to increase to \$350,000 in the eleventh year, which shall be the amount of each remaining annual installment.

To assist in the completion of the work of the Greek Refugee Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation "Purchase of obligations of foreign governments," established under authority of the Liberty bond acts, the sum of \$12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years.

Greece shall, in accordance with the exchange of notes, dated January 18, 1928, between the United States and Greece, and as set forth in Senate Document No. 51, Seventieth Congress, first session, furnish as securities for the loan referred to in paragraph (5) the excess of revenues under the control of the International Financial Commission, and shall procure the assurance of the service of the loan by that commission.

Greece shall forego all claims for further advances under the tripartite loan agreement dated February 10, 1918, and such agreement, so far as the United States and Greece are concerned, shall terminate upon the date on which the agreement authorized by this act becomes effective.

The fact that France has not met its obligations and that Great Britain has in a measure failed to meet its obligations does not excuse us from fulfilling ours. It has been stated that we should look at this adjustment from the American and not from the Greek point of view, and that is what I am doing. I look upon it from the American point of view, that our Nation should at all times, under all conditions, meet its obligations even though not legally bound when, however, it is morally bound.

Though there may be a question about our legal obligation surely no one can justly disclaim our moral obligation under the agreement which we have entered into with the Hellenic Government. The mere fact that due to unwise influences the overthrow of the Venizelos government was brought about, the people of that historic nation should not be deprived of their rights.

Under the Venizelos government Greece entered the war on the side of the Allies, not only for the purpose of self-defense, to expel invaders from her territory, as has been charged, but to aid the Allies and thereby comply with the wishes—yes, the persistent—appeals of the Allies, and her course at that time was considered as a great accomplishment and achievement on the part of our diplomatic representatives.

A few days after the agreement was signed by Premier Venizelos, at that time the head of the Greek Government, he made the following statement to the Greek people:

In taking part in this World War we shall not only regain the national territory we lost; we shall not only reestablish our honor as a nation; we shall not only effectively defend our national interests, but we shall also be a worthy member of the family of free nations.

Mr. Chairman, I recognize that at that time the Bulgarian and the Austrian troops were in possession of a large area of her territory, but on September 16, 1918, due to the bravery of nine Greek battalions, which it had placed in the field on the Macedonian front, in accordance with the agreement, the Bulgarian forces were defeated, yes crushed, and within a few



days thereafter Bulgaria was eliminated from further activity in the war and within two weeks pleaded for peace.

No one can truthfully deny that this great victory could not have been attained on the Macedonian front without the heroic, brave, and courageous Greek forces. The Greek Army conducted itself with valor and honor. It began the allied offensive on the Macedonian front, which culminated in the decisive allied victory. Both Franchet d'Esperey, commander in chief of the Allied armies in Macedonia, and General Milne, declared that the Greek Army had proved a decisive factor in the victory. The British general said:

Without the aid of the Greek forces, the present victory could not have been attained.

Says General Ludendorff:

There were no illusions about the fighting seriousness of the Greek Army.

And no one can successfully deny that this victory did bring about an earlier ending of the World War, which in all probability might have lasted for weeks—yes, perhaps months longer. But if it shortened it only a day, it was worth the amount that this bill provides, not only to give but to loan to Greece. From the day that great statesman, Venizelos, became its leader, the Hellenic Government and a great majority of its people demonstrated their sympathy and friendship, not only for the Allies but especially for United States.

Unfortunately, came the war with Turkey. The reverses of the Greek Army in Asia Minor resulted in the overthrow of the Venizelos Government and King Constantine, upon the death of his son, King Alexander, returned to Greece as King on December 19, 1920. The allied governments and the United States refused to recognize the new régime in Greece and refused to make further financial advances. I quote from Doctor Gibbon's "Venizelos":

Greece was in sore need of money, but the United States used the change of government as an excellent pretext for not allowing Greece to draw further upon the credit granted her as a war measure. About \$30,000,000 was thus suddenly rendered unavailable. At the same time, France, invoking the pretext that the Constantinian government was illegal, refused to pay back to the Bank of Greece the large sums of money advanced to the French army at Saloniki, when the rate of exchange had been unfavorable to the conversion of francs into drachmas.

It is worthy of note that up to March 4, 1921, both the State Department and the Treasury Department were definitely of the opinion that our Government was under a strong moral and legal obligation to make further advances to the Greek Government and that our agreement expressly provided for advances to Greece subsequent to the conclusion of peace.

Relying upon the undertaking of the United States, Greece actually spent the entire amount for the purposes specified in the loan agreement. She was thus enabled to put 250,000 men in the field, increasing her army from three to nine divisions, and secured the urgently desired victory which played such an important part in the ultimate success of the allied cause. No one denies that the agreement was entered into in good faith on the part of our Nation in conjunction with the other nations and Greece.

For the sake of argument let us concede that Greece violated, as argued, some provision of the agreement. If they did, it was only a technical violation. For that reason I feel that it would be unfair for a great Nation like ours to take advantage of technicalities to evade our responsibility, because if we are not legally we are morally bound to carry out the agreement we had influenced Greece to enter into in those trying days, in the midst of that great conflict and at a time when conditions did not look any too favorable.

It is true that Greece did not request or draw any part of this loan until two years after the agreement was made and after they had expended tremendous sums of money in fitting out the additional battalions, providing and maintaining them during the war. This is to her credit and proves conclusively that she did not seek the American dollar, and were it not for the unfortunate war with Turkey, in all likelihood she would never have asked for a single dollar which her agreement called for, but that war, and her humanitarian spirit, in taking care of and providing for 1,400,000 Greek and over 100,000 Armenian Christian suffering refugees, has taxed her financial resources to such an extent that she was obliged to insist that the agreement to make her the loan, as agreed upon, be fulfilled, agreeing, however, to accept twelve in place of thirty million which we obligated ourselves to loan her on condition that early action be taken on the reduced amount.

There is no question in the mind of anyone who has studied or read the committee hearings or the record of her achieve-

ments on the front that Greece played its part; that it performed its obligation.

In view of the recommendations that were made at that time by Secretary McAdoo, Secretary Houston, Mr. Crosby, Mr. Norman Davis, and approved by the late President Woodrow Wilson, I feel that this bill should receive our approval, because justice demands it, and we should not at this late date disregard the recommendations of those great Democrats.

In conclusion I wish to call your attention to the fact that the bill provides that this loan be turned over and used by the Refugee Settlement Commission for the purpose of providing for the unfortunate refugees that are being cared for by the Greek people, which is more than much stronger financial nations have done.

I feel that this bill should pass not only because of the moral responsibility of our great Republic but because of the deep appreciation we owe to that heroic, younger sister nation, the Hellenic Republic. [Applause.]

Mr. HAWLEY. Mr. Chairman, I yield the gentleman from Ohio [Mr. BURTON] nine minutes.

Mr. BURTON. Mr. Chairman, I have already covered most of the ground in regard to this controversy. I will take up briefly the arguments made on the other side.

First, I can not agree that this is a joint agreement or, as has been said by the gentleman from Georgia and the gentleman from Texas, that it is a joint agreement.

Let us note the illogical result of such a conclusion. If it is a joint agreement, the United States would be responsible for the whole 750,000,000 francs and not for the 250,000,000 francs alone. Again, the wording of the agreement shows that, while three nations joined, each had a separate obligation to perform, to wit, the payment of 250,000,000 francs. Still further, all the dealings between the parties were on the theory that the United States had its obligation to perform, France had its obligation, and Great Britain its obligation, and thus I come to the conclusion that the failure of France or the compromise with Great Britain is no excuse for us to say that we will not comply with that which was a clear agreement to advance 250,000,000 francs. Indeed, to the very close of the Wilson administration that obligation seems to have been recognized by our diplomatic officials.

Now, another point, that Greece has failed to pay interest. Greece did pay interest until the 2d of October, 1921, in amounts aggregating some \$2,000,000. By that time there was an impasse between the two Governments, and Greece could very well maintain the position that we had failed in our agreement, that if she were to pay any more it would be in the form of a credit on the 250,000,000 francs that had been promised to her.

There is another claim, that an agreement was made by Greece with Canada. On this subject there was a technical discussion, the Greeks maintaining that the language used, *gage affecté*, did not mean the ordinary security such as contemplated in the security for which the 750,000,000 francs was to be advanced.

I have given a good deal of attention to this, and while I do not want to contradict the American contention on the subject, I say that at least it is a very close question whether the agreement with Canada was in any degree a violation of the agreement not to give security to another country. A fact that throws very strong light on the whole situation is that when a further loan for the refugees was proposed, Greece did ask the acquiescence of the United States. In the other case, which was a debt for food, she claims, and certainly with a vestige of more than plausibility of right, she was under no obligation to do this.

I pass by, as hardly worthy of notice, that if we owe anything we owe all. When the other side in a controversy says that we only desire such and such sums, we can not say, "At one time we agreed to pay \$50,000,000 and now you are asking to settle for \$25,000,000. We will not settle for \$25,000,000. We will not settle under any circumstances unless we pay you \$50,000,000." It does not lie in our mouths to make that kind of argument.

The argument is made that private investors have received a much larger rate of interest.

Mr. BEEDY. Before the gentleman discusses that, will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. BEEDY. In the spirit of one who likes to follow the gentleman, would he be good enough to explain to the House why the gentleman and the other members of the commission have reversed themselves on the question of whether there is any legal or moral obligation on the part of our Government.

Mr. BURTON. Partly because we saw a new light on the subject; partly because we recognized that a long-standing controversy was bound to result and that we would get nothing for our advances. So it was desired that we make a compromise

such as this is. It was the unanimous opinion of the commission [Mr. Hurley and Mr. Olney were away], with the exception of my good friend and kinsman, Mr. CRISP, with whom I so much dislike to disagree, that we should make this settlement.

It has the recommendation of the President, the Secretary of State, the Secretary of the Treasury, and is very strongly supported by our diplomatic representatives in Greece.

I may say in this connection that we have a great interest in Athens. We have a school there and large contracts for public improvements. The Greeks like to deal with America. They say that we are fairer than other countries. I have recently received a letter from our minister to Greece, who strongly recommends, and even insists, on this settlement.

One thing further. I do not think there was any agreement with the United States to which Greece was a party that all of the money should be expended in the United States. It is clearly the case that they did spend much more money in the United States than the proposed loan, but a statement was neglected and not insisted upon by either side.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BURTON. I will.

Mr. GARNER of Texas. In connection with the statement that private bankers were willing to pay a larger rate of interest, this bill was drawn six or eight months ago, and the rate of interest was placed at 4 per cent. We are now refinancing the deficit at  $4\frac{1}{4}$  per cent. What would the gentleman say as to increasing the rate of interest to  $4\frac{1}{4}$  per cent?

Mr. BURTON. The difficulty about that is that it would involve a great amount of further negotiations, and it is our hope that the higher interest will soon be diminished.

Mr. CHINDBLOM. Within a short time the United States may be able to finance loans at less than  $4\frac{1}{4}$  per cent.

Mr. BURTON. I think so. If I had a longer tenure in the House, I might have some remarks to make on the conditions in Wall Street.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. I yield to the gentleman from Ohio two minutes more.

Mr. BURTON. I refer briefly to the friendly relations between Greece and the United States. Our country has one of its most notable monuments of foreign relations in the friendliness of this country to Greece. In this House Daniel Webster and Henry Clay made an appeal to Congress for Greece which rose to the highest standards of American eloquence. We have always had a certain friendliness for that country. We rejoiced in their freedom from Turkish misrule in 1829. They look to us for friendship. I do not believe that a country that has gone through such horrible experiences as Greece has in the last 10 or 12 years—a country that has taken upon itself to support 1,500,000 refugees, a work of charity, a work involving a large amount of money—when they ask us now not to pay all that we promised to pay, but say that if we pay a part they will even see that it is expended for the refugees and offer adequate security, I say, let us as a generous nation agree upon this settlement at once. [Applause.]

Mr. HAWLEY. Mr. Chairman, we are proposing this settlement with the Hellenic Republic under the premiership of Venizelos, the very man with whom the original undertaking was made. We offered to various countries in the world money to assist them in the prosecution of the war to a total amount of some \$10,000,000,000. It became necessary in the conduct of the war to destroy all the relations of the interior allies with the East. For the accomplishment of that purpose an arrangement was made between three leading allies to assist Greece if she would put into the field additional men with proper equipment to make a fight to break the eastern enemy front. She increased her divisions from three to nine and provided them with munitions of war from the 600,000,000 francs that France and England had theretofore supplied.

The Greeks have been noted in history for their ability to fight, and in that decisive battle it was Greece that broke the eastern front, the aid rendered by Greece was the material factor. It is the consensus of the opinion of the military authorities and the historians that that activity and that breaking the eastern front of the enemy meant the collapse of the activities of the interior Allies and brought the war to an early close, saving us from a possible loss of millions more of expense on the western front and uncounted lives and suffering.

Greece now, in cleaning her slate, finds that she can, on account of previous advances made by England and France, excuse them from further loans; but she does need some more money. She is not asking all that she might, under at least public obligations, if not legal obligations. She says to the

United States: "We are in a very serious condition, under circumstances not anticipated heretofore, by reason of the million and a half refugees coming into Grecian territory, for whom we must provide, and for 700,000 of whom we have already provided. We will settle our indebtedness of \$15,000,000 on terms similar to those that you have agreed to with other countries; but we ask you, out of consideration of our present need and your agreement, your promise, the promise of a great American people, supported by the administrations of both of the great parties, to help us at this time by giving us a further loan of a little over \$12,000,000, for which we will promise payment in 20 years at 4 per cent, and we pledge the revenues in the hands of the International Finance Commission, over which we have no control, for the payment of the interest and the principal as accrued."

Mr. Chairman, this will be the safest loan that we have made, or the best settlement that we have made; and I say I think the money we have advanced Greece did more toward an early termination of the war than any similar amount that we advanced to any other country.

In conclusion, I have time only to say that the gentleman from Georgia [Mr. CRISP] was in error, perhaps, because he was asked the question on the spur of the moment; and that we have loaned to other countries since the war for their relief a sum that approximates, outside of the loans for war material purchased by them, over \$86,000,000 out of the revolving fund of \$100,000,000 created for that purpose. The American Relief Association loaned \$86,000,000 of that revolving fund, and \$56,000,000 more was loaned for a similar purpose on a different account. I believe the national honor requires the passage of the pending bill.

The CHAIRMAN. The time of the gentleman from Oregon has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk proceeded to read the bill.

Mr. GARNER of Texas (interrupting the reading). Mr. Chairman, would it be proper to wait until the conclusion of the bill, or should amendments be offered as these various paragraphs are read?

The CHAIRMAN. The bill consists of but one section, and amendments will necessarily be offered at the completion of the bill.

The Clerk concluded the reading of the bill.

Mr. BURTON. Mr. Chairman, I offer the following amendment which I send to the desk, which is a perfecting amendment.

The Clerk read as follows:

Amendment by Mr. BURTON: Page 2, line 7, strike out the word "annual" and insert the word "semiannual."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARNER of Texas. Mr. Chairman, I move to strike out paragraph 5.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARNER of Texas: Page 3, line 7, strike out paragraph 5, as follows:

"(5) To assist in the completion of the work of the Greek Refugee Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation 'Purchase of obligations of foreign governments,' established under authority of the Liberty bond acts, the sum of \$12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years."

Mr. GARNER of Texas. Mr. Chairman and gentlemen of the committee, the principal controversy in this proposed legislation is the question of making a loan of \$12,167,000 to Greece. The purpose of this amendment is to strike that out of the bill and settle the Greek indebtedness to the United States upon the basis of 34 cents on a dollar. If you strike out of the bill the proposed loan to Greece, then the Congress of the United States will propose to settle with Greece her present indebtedness of nineteen million and a half dollars in round numbers for six and a half million dollars in round numbers. I am willing to go along in that direction. All other countries have been settled with upon the basis of from 26 per cent plus to 64 per cent plus.

Mr. CRISP. I think Great Britain paid a little more than that.

Mr. GARNER of Texas. From 26 per cent to Italy to something like 65 per cent, which England agreed to pay. It comes



now to the proposition of settling the indebtedness which Greece owes the United States. How shall we settle it? It is proposed to take nineteen and a half million dollars that they now owe us and settle for it in round numbers for six and a half million dollars. In addition to that it is proposed to loan them \$12,167,000 in order to secure such a favorable settlement. I think 34 per cent is too low, but since the commission in 1926—and the honorable gentleman from Ohio [Mr. BURTON] advocates this legislation as a member of it—stated to the Greek Government that they owed them nothing and would contribute nothing toward the settlement of this matter other than the reduction of their indebtedness, since the Secretary of State at that time, Mr. Hughes, said to the Greek Government through our ambassador, or minister, "We owe you nothing; we are under no obligation to you, legally or morally"; it seems to me that Greece could very well accept a settlement based on 34 cents on the dollar. The question was asked the gentleman from Ohio why he had changed his position since 1926, and he said because of a new light, but what light that was he did not reveal to the House, whether it came from the city of New York, or the National Co., whether it was a white light, a blue light, or even a red light. The gentleman from Ohio did not take the House into his confidence in that respect. The present administration took the position in 1926 that it was wholly unnecessary to insert section 5 in any law that had for its purpose the settling of the indebtedness that Greece owed the United States.

No one has given a single reason that has developed since 1926 as to why it should be changed. Every effort has been made to find out if there has been any change in facts or conditions since 1926 up to the present time that caused this Commission or the Secretary of State or the administration to change its views, and we have not a single iota, not one fact or suggestion, except the mere statement of the Senator from Ohio [Mr. BURTON] that he had a new light. Now I submit that that new light is not a sufficient fact to justify a change or condition existing in 1926 or 1928, especially when it involves an expense of \$12,167,000.

Gentlemen, I was impressed with what the President of the United States said to Congress in reference to a deficit. I agree with him, in a certain way, with his reflection on the Congress, if not the administration—I would say it was more on Congress than the administration—should we have a deficit on July 1. Two months more—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER of Texas. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER of Texas. He says we will have \$37,000,000 as a surplus on July 1. And there are more than two months in which Congress will be in action. Just what emergency there may be I do not know, but one thing is certain—if this legislation becomes a law there will be less than \$25,000,000 surplus on the first day of July, 1929. Now, I submit, if you are concerned about that surplus at all, you must take into account the amount of money we appropriate and the very first bill brought in proposes to invade that surplus and take money out of the Treasury and send it to a foreign country. I do not believe it is good public policy to do that.

Mr. BURTON. Will the gentleman yield?

Mr. GARNER of Texas. I will.

Mr. BURTON. The gentleman has challenged me to state what new light I have seen and plays upon the different colors of red and white. This is the answer. I, together with the rest of the commission, with the exception of Mr. CRISP, after a more careful consideration upon our conclusions were led to doubt if they were correct. Another reason in regard to it was this: There was in any event a certain amount of equity on behalf of the Greek claim that was emphasized by the tremendous services that the Greek troops rendered in bringing the war to a close, and they suggested a compromise more favorable than formerly, so that we came to the conclusion that it was not only generous but just and fair to meet the Greeks.

Mr. GARNER of Texas. I am surprised that such men as Mr. Mellon, Senator BURTON, CHARLEY CRISP, and others who considered these matters, who fully understood every reason it was possible to think of when they came to the conclusion in 1926—and Mr. Hoover, the President elect, who was a member in 1926, and it is understood he generally understands a subject before he comes to a conclusion—I repeat, I am surprised that after they came to a full conclusion they should turn around and conclude the other way. [Laughter.]

Mr. TILSON. Mr. Chairman and gentlemen, we ought to understand the parliamentary effect of the adoption of the amendment offered by the gentleman from Texas. It is not the usual case where you can strike out one paragraph and leave

the remaining paragraphs a completed whole. Striking out this paragraph 5 entirely destroys the agreement. The whole bill as presented here is an agreement. To remove any essential feature of the agreement destroys the agreement itself, so that a vote for the pending amendment is exactly equivalent to voting to defeat the bill. That there may be no misunderstanding as to the effect of the pending amendment, I repeat that if we strike out paragraph 5 we destroy the bill.

I am one of those who believe that when we make an agreement, whether a good bargain or a bad bargain, we ought to abide by it. [Applause.]

I believe further that this should apply, whether it be an agreement between individuals or between nations. The fact remains and it has not been disputed that we did enter into an agreement with Greece back in the days when we needed everything in the way of help that we could get to end the war. Greece on her part entered into the agreement with us and two other countries, all greatly interested in the outcome of the war. She agreed to put nine divisions in the field. She did put nine divisions in the field, and those extra divisions were influential upon the result, possibly decisive. Certainly the action of Greece in putting those nine divisions in the field caused the Macedonian front to crumble, and that was the beginning of the end. As one gentleman this afternoon has suggested, if it shortened that conflict by one single day, it would mean far more in money alone than the amount here involved, to say nothing of the saving in human life.

I consider that there is not only a moral obligation here, but that there is a legal obligation as well. The fact that the obligation was not fully complied with by France, and only partially by Great Britain, does not in any respect release us from our obligation. We made the agreement and in good faith we ought to abide by it. The administration which made the agreement for the excellent purpose of ending the war contended until the very last day of its official life that this obligation should be complied with. In 1921 a new administration came into power, of opposite political faith, and whatever changes in views anyone representing the new administration may have had, the present administration, as did its predecessors in power, believes that this settlement with Greece should be made and asks us as the legislative branch of this Government to authorize it and thus comply with the agreement made in the time of stress and war. We should not place ourselves in the position of failing to meet a war-time obligation.

If the agreement made with Greece is not a legal obligation, why is there an unwillingness on our part to arbitrate this question? I understand that Greece at all times has been ready and willing to submit this matter to arbitration. We believe in arbitration. We advocate the settlement of disputes by arbitration. Why are we unwilling to go into a court of arbitration and arbitrate this settlement? Because it is believed that such a court would decide against us. If we refuse to agree to a reasonable settlement and are unwilling to arbitrate the matter we are like the proverbial big bully, insisting that the only way in which a little fellow can get satisfaction is to resort to a physical contest. In the interest of friendly relations with all nations great and small do we wish to place ourselves in such a position? [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HASTINGS. Mr. Chairman, I want to offer an amendment to the amendment offered by the gentleman from Texas [Mr. GARNER] to strike out paragraph 6. Paragraph 6 relates to paragraph 5, and it would perfect that amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment. The Chair understands its purpose is to strike out subdivisions 5 and 6.

Mr. HASTINGS. Yes. They both relate to the same thing.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS to the amendment offered by Mr. GARNER of Texas: Page 3, line 7, strike out all of paragraphs 5 and 6.

Mr. HASTINGS. Mr. Chairman, I have not voted for any of these debt settlement bills, and I am not going to vote for this one. I refuse to stand on the floor of the House and vote to place increased burdens upon the taxpayers of my country for the benefit of foreign governments. I feel absolutely certain that not 1 per cent of the American people understand upon what basis these various debt settlements have been made.

In looking over the RECORD I find that the foreign debts heretofore funded aggregate \$11,522,354,000. It is represented that the principal in each case has been paid, but the people do not know how much we have lost in these various settlements. All

of them have been extended over a period of 62 years. If we had gotten  $4\frac{1}{4}$  per cent interest on the settlements instead of the interest we are to receive, we have lost \$10,705,618,006.90.

It is urged that we are settling on the "capacity to pay" of each government. The hearings disclose that no economist will hazard an opinion as to the capacity of any government to pay during a period of 62 years.

Secretary Mellon, in the hearings on the French debt settlement—page 5—on the question of capacity to pay, said:

I appreciate, as all reasonable men must, that it is not possible for any set of men to determine with mathematical accuracy the future capacity of a great nation to tax itself and to transfer the avails of taxation to another nation. We are forced to look at the present and to estimate the future.

In connection with the Italian debt settlement Secretary Mellon said:

The capacity of a nation to pay over a long period of time is not subject to mathematical determination. It is and must be largely a matter of opinion.

Everyone appreciates, of course, that the capacity to pay, of a government in Europe, under present conditions, is very speculative and that no one has any good grounds upon which to base an opinion. No one could base an opinion upon an unsecured obligation of an individual over that period, and surely with conditions such as they are in Europe, no one is justified in venturing an opinion as to the capacity of any European government to pay, extended over a period of 62 years.

We fund the \$15,000,000, owing to the United States by Greece, in this bill. At the rate of 5 per cent per annum, to January 1, 1928, it amounts to \$19,659,836. By extending it over a period of 62 years, without interest, the present value of the payments to be received, under the proposed settlement, on a basis of 4 per cent interest per annum, payable semiannually, amounts to \$6,787,000, or about  $34\frac{1}{2}$  per cent of the original amount due. In other words, we are to receive obligations which, if ultimately paid, only amount to  $34\frac{1}{2}$  per cent of the amount Greece owes the United States. We cancel or remit  $65\frac{1}{2}$  per cent of the debt.

We received  $26\frac{1}{2}$  per cent of the debt in the Italian debt settlement and 49 per cent in the Belgian debt settlement. In the French debt settlement, which has not yet been ratified, we received approximately 50 per cent and remitted the balance.

This is perhaps the worst of all the settlements except that the amount involved is not so large. In addition to extending the amount to be funded, over a period of 62 years, without interest, we agree to loan to this government, without capacity to pay, an additional sum of \$12,167,000, at 4 per cent interest, payable in 20 years.

It is stated in the debate, and not denied, that international bankers recently made a loan to Greece at 6 per cent interest and sold it on a basis of 91, which makes the loan cost the Greek Government approximately  $6\frac{1}{2}$  per cent.

I have but little patience with the argument advanced as to capacity of a government to pay extended over a period of 62 years. If Greece can float a loan through international bankers, that Government, over a period of years, can pay the comparatively small amount owing to the United States.

All of these settlements are made in the interest of international bankers. In each case it is found that loans have been floated to all of these governments. That is true of the Austrian Government and I am not going to vote for that debt settlement bill.

We remitted  $73\frac{1}{2}$  per cent of the amount due our Government by Italy on the theory that the Italian Government has not the

capacity to pay, when Mussolini has found funds to maintain a large army and to increase Italy's navy to menace the peace of Europe.

I agree that in each case perhaps time should be given to these foreign governments to repay these loans, but I do not favor the remission or cancellation, either principal or interest, of any of the sums due by any foreign government to our Government. Every dollar remitted or canceled, either principal or interest, is an additional burden upon the taxpayers of our country. How can we stand on the floor of the House and argue that we are in favor of economy and refuse to make adequate appropriations for the various activities of our Government, under the plea of economy, and at the same time remit \$10,705,618,006.90 to foreign governments? The people of our country are demanding more public buildings to house the various activities of our Government throughout the country. They demand more Federal appropriations in aid of road building. When increased appropriations are urged for these purposes we are met with the argument that our present revenues will not justify these expenditures.

I think our generosity should commence at home. The depressed farmers of the country have been urging that relief be granted to them, and a bill has been pending before Congress for the past two years authorizing an appropriation of \$400,000,000 as a revolving fund to be used to aid the farmers in marketing their surplus products. This appropriation is criticized and denounced by those who are voting for these debt settlements.

I favor the internal development of our country and the expenditure of our revenues for the benefit of the people of the United States. The amount of money remitted in these settlements would gridiron the entire country with a network of highways. It would build adequate public buildings in every city of 2,500 people. It would connect every county seat in the United States with a concrete road. It would provide for the reclamation of arid lands and would make them productive. It would permit the deepening and dredging of our larger streams and would make them navigable and lessen freight rates and enable us to build reservoirs to impound waters and prevent disasters which go with great floods, and the money could be used in many other ways for the general prosperity of our country. If this question were left to the people as to whether the money should be expended for these purposes or remitted or canceled in favor of foreign governments, is there any doubt as to what the decision would be?

Everyone expected when these loans were made that they would be collected in full, applied to a reduction of our public debt, and that our interest charge would be lowered, and we could further reduce the tax burdens on our people. Following this settlement we may expect the press to advise of large loans by eastern bankers, as in the Italian case, with large commissions and interest. Thus are the interests of the people betrayed. I am one of the trustees of the people, and I am not justified in giving away the money of the people to foreign governments.

I am inserting an official table prepared by the Treasury Department showing (1) the countries with which settlements have been made, (2) the date of agreement, (3) the amount of debt funded, (4) interest to be received, (5) total amount to be received, (6) the amount that would have been received on a British basis ( $3\frac{3}{4}$  per cent interest), (7) total amount that would have been received on a  $4\frac{1}{4}$  per cent interest basis, (8) total amount canceled on a  $4\frac{1}{4}$  per cent interest basis, and (9) total aggregate amount, being \$10,705,618,006.90, canceled, lost, or remitted in all of the settlements:

Countries	Date of agreement	Funded principal	Interest to be received	Total	Total that would be received on British basis ( $3\frac{3}{4}$ per cent interest basis)	Total that would be received on $4\frac{1}{4}$ per cent interest basis	Total canceled on a $4\frac{1}{4}$ per cent interest basis
Belgium	Aug. 18, 1925	\$417,780,000.00	\$310,050,500.00	\$727,830,500.00	\$1,041,597,000.00	\$1,191,052,000.00	\$463,221,500.00
Czechoslovakia	Oct. 13, 1925	115,000,000.00	197,811,433.88	312,811,433.88	252,890,000.00	327,854,000.00	15,042,566.12
Estonia	Oct. 28, 1925	13,830,000.00	19,501,140.00	33,331,140.00	133,331,000.00	39,428,000.00	6,066,860.00
Finland	May 1, 1923	9,000,000.00	12,695,055.00	21,695,055.00	121,695,000.00	25,658,000.00	3,962,945.00
France	Apr. 29, 1926	4,025,000,000.00	2,822,674,104.17	6,847,674,104.17	9,708,825,000.00	11,474,900,000.00	4,627,225,895.83
Great Britain	June 19, 1923	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00	11,105,965,000.00	13,114,172,000.00	2,008,207,000.00
Hungary	Apr. 25, 1924	1,939,000.00	2,754,240.00	4,693,240.00	4,693,000.00	5,538,000.00	834,760.00
Italy	Nov. 14, 1925	2,042,000,000.00	365,677,500.00	2,407,677,500.00	4,923,820,000.00	5,821,552,000.00	3,413,874,500.00
Latvia	Sept. 24, 1925	5,775,000.00	8,183,635.00	13,958,635.00	13,959,000.00	16,464,000.00	2,505,365.00
Lithuania	Sept. 22, 1924	6,030,000.00	8,501,940.00	14,531,940.00	14,532,000.00	17,191,000.00	2,659,060.00
Poland	Nov. 14, 1924	178,560,000.00	257,127,550.00	435,687,550.00	1435,688,000.00	609,058,000.00	73,370,450.00
Rumania	Dec. 4, 1925	44,590,000.00	177,916,260.00	222,506,260.00	107,488,000.00	127,122,000.00	4,615,739.95
Yugoslavia	May 3, 1926	62,850,000.00	32,327,635.00	95,177,635.00	154,651,000.00	179,179,000.00	84,001,365.00
Total		11,522,354,000.00	10,621,185,993.10	22,143,539,993.10	27,819,134,000.00	32,849,158,000.00	10,705,618,006.90

<sup>1</sup> Settlement made on British basis.



This table is official. The figures prepared by the Treasury Department can not be disputed. We lose, cancel, forgive, or remit on the settlements with the 13 countries, based on  $4\frac{1}{4}$  per cent interest, the amount we pay on our Liberty bonds, the proceeds from which we loan these Governments, \$10,705,618,006.90.

On the basis of the British settlement, 3 per cent for the first 10 years and  $3\frac{1}{2}$  per cent interest thereafter, we cancel or lose \$5,675,474,006.10.

Surely this is a large burden for the taxpayers to bear to appease the greed of the bankers who are making loans at high rates and upon large commissions. The people, when they know the truth, will withhold their approval of these settlements. [Applause.]

Mr. BEEDY. Mr. Chairman, I rise in opposition to the amendment. Gentlemen of the committee, I confess I have been very much exercised about the measure now pending before the House, and while following the debate carefully have at times been led to the conclusion that I could not support it. However, upon mature consideration I should like to explain to the committee my mental attitude at the moment. If this were a single proposition of making another foreign loan, I should oppose it with all the power at my command. I am sincerely exercised over the tremendous amounts that have been loaned abroad through intermediaries known as private bankers. Vast sums of the money thus loaned are to be invested in the upbuilding of industries which compete with industries of this country. In the pending resolution, however, are the terms of a possible international agreement which have been agreed upon by the representatives of two great nations. The agreement must either be voted up or voted down just as it stands.

I hesitate to make the statement which I am about to make, yet I think I owe it to the House, for it makes more clear, perhaps, my view of this situation. In 1923 Lausanne, Switzerland, I had the privilege and honor of an hour's interview with Venizelos, the great leader and patriot of the Greek Nation. For the greater part of that hour this very subject was under discussion. Mr. Venizelos and the Greek officials are just as sincere and earnest in their belief that from the outset—and that that same situation continued down to the moment, or, at least, until 1923—there was an obligation on the part of the American Government to advance every dollar of the \$48,000,000 which it originally obligated itself to advance. But the American Debt Funding Commission in 1926, having reviewed all the facts, and under the advice of our then Secretary of State, said there was then no such obligation on our part to Greece. The facts in the matter have not changed at all. But here is the situation: Two nations being equally sincere on an issue, the one being at direct odds with the other, what is to be done about it? The gentleman from Oklahoma [Mr. HASTINGS] says he can not stand here and vote to give away his country's money.

I can not stand here and vote in a manner that would lead other nations to say that I was a party to voting away my country's honor. [Applause.]

The Greek nation says, "Let us submit this to arbitration." The United States of America says, "We can not afford to do it," the reason, I apprehend, being that we fear the outcome. What shall we then do? We must determine what constitutes a sound course of international policy.

We should do, I submit, with nations just as we would do with individuals. When there is a decided difference of opinion as to rights and obligations, we must get together on a compromise.

Here in the resolution before us are the terms of the possible compromise agreed upon by the representatives of both nations. From the high viewpoint of our country's honor, which ought not on any plausible grounds to be brought in question, when we would not arbitrate we should compromise. I urge the Members of the House to vote for this resolution and maintain the honor of the United States of America. [Applause.]

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

Mr. GARNER of Texas. Mr. Chairman, it seems to me that is going a little bit fast. Here is a bill that has just one section, with a number of paragraphs. A number of other amendments may be offered. Gentlemen on each side of the aisle may want to offer some amendments. Does the gentleman propose to cut off all debate on the bill? I think this is a little unreasonable.

Mr. HAWLEY. Mr. Chairman, then I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to have inserted in the RECORD at this point certain correspondence with reference to this matter by Mr. Henry Morgenthau, former ambassador to Turkey.

Mr. CHINDBLOM. Mr. Chairman, reserving the right to object, and I shall not object, did the gentleman state the nature of the correspondence?

Mr. O'CONNOR of New York. In favor of the Greek debt settlement.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

NEW YORK CITY, December 8, 1928.

DR. WILLIAM I. SIROVICH,

House of Representatives, Office Building,

Washington, D. C.

MY DEAR DOCTOR: I am inclosing you herewith a copy of the letter that I wrote last spring to CORDELL HULL, which, I think, states the case very clearly.

I am very interested in this matter, because some of these funds will go to the Greek Refugee Settlement Commission to enable them to complete their task, and it is generally admitted now that there never has been a finer piece of philanthropic work undertaken than the one of helping these poor, forlorn Greek refugees.

I thank you in advance for anything you may do for this great cause for humanity.

With kindest regards.

Yours very sincerely,

H. MORGENTHAU.

NEW YORK, N. Y., March 29, 1928.

HON. CORDELL HULL,

Washington, D. C.

DEAR SIR: Having given some study for the past five years to the matter of the obligations of the United States to Greece under the war-credits agreement of February 10, 1918, and with the cooperation of some others who have been in close touch with the situation, I beg to submit a few brief observations on the report of the minority members of the Ways and Means Committee on H. R. 10760, which is a bill to compromise the questions arising out of the war-time agreement and to fund the indebtedness of Greece to the United States.

I cite the principal objections made by the minority. Those objections are as follows:

1. That the representatives of the United States have taken the position in the negotiations running over eight years that the United States has been absolved from the obligations of the 1918 agreement.

It will appear that, until politics came into the case, the opposite was true. The brief written in controversy with Greece has no more merit than the further points I am about to mention.

2. That the advances called for by Greece under the agreement were not for war purposes; that this will be a peace-time loan, and not within the welfare clause of the Constitution.

This is not a new loan, but the settlement of a war-time obligation. Greece's part of the contract was performed during the war when she mobilized her entire resources of men and material and broke the Macedonian front. In order to do this she issued bank notes of the National Bank of Greece in the amount of 250,000,000 drachmas against the promised United States credit of \$48,236,629 which was intended to be the "cover" for the bank note issue. Receiving \$15,000,000 from the United States she retired 77,337,500 drachmas, but there remained outstanding 172,262,500 drachmas corresponding to the balance of the credit of \$33,236,629 granted by the United States. The failure of the United States to make good this credit was a main cause of the collapse of the drachma.

The Greek expenditures were all for war-time purposes and precisely within the four corners of the 1918 agreement:

a. The American financial representative at Athens, Mr. Weddell, so certified after examination of the vouchers.

b. The Treasury representative, Mr. Rathbone, directed the opening of the credit on Mr. Weddell's certification.

c. Mr. Norman Davis, in the Department of State, expressed himself in writing to the effect that the Treasury can not "legally or morally" cancel its obligation to complete the loan to Greece under the terms stipulated."

d. The Department of State and the President on December 31, 1920, formally expressed the opinion "that the credit obligation negotiated with the Venizelos Government should be considered as still binding on this Government," and on January 19, 1921, the Secretary of the Treasury confirmed this opinion by letter to Senator John Sharp Williams.

3. That the loan was a joint one on the part of Great Britain, France, and the United States; that France advanced nothing; and

that this had the legal effect of releasing the United States "from further obligation under the tripartite agreement."

The answer is that the loan was not joint. There was not to be a series of combined advances by the three governments but separate advances; the advances were to be "in equal shares" in the language of the agreement. The advances were made separately. No one of the three great powers in making its advances paid any attention to what the others were doing, the United States no more than the others. Each of the three opened a credit on its treasury books for its equal share. The United States advanced \$15,000,000 over a period of a year, taking no account of the fact that France had advanced nothing. Great Britain more than doubled the advances of the United States without waiting to see what France was doing or the United States. Greece similarly subdivided the loan on her books and made a separate account for each country.

If the thing had not been done this way, if the agreement were for a joint loan and had been so handled by the three great powers, then Greece had the legal right—the author of the minority report is too good a lawyer not to know this—to demand the full 750,000,000 francs of the entire loan from any one of the three lenders; could now demand it from the United States, leaving the one which bore the whole burden to collect from the other two their respective thirds by what the law calls "the right of contribution." The objection is tantamount to offering Greece a check of the United States for the whole unpaid balance of 750,000,000 francs, leaving us to collect from France and Great Britain.

Neither the language of the agreement nor the acts of the parties under it afford the slightest ground for any such interpretation. Each of the three great powers had a separate policy in regard to its own advances. Great Britain and France made heavy advances in material in which the United States did not share. The United States on its part negotiated some new terms in 1919 as to a part of its own advances, which it would have had no right to do if it had been jointly bound with the other two lenders. (This is referred to on page 27 of the print of the minority report.)

4. That the loan being joint, a release by Greece of Great Britain from her obligation to continue her advances released the United States as a matter of law.

Answer:

a. I have shown that the obligation was not joint, but several; the rule of law cited does not apply.

b. There was no release by Greece of Great Britain. Great Britain gave Greece permission to negotiate a £15,000,000 loan on the London market, in return for which Greece was to release the British Government from its separate obligation under the 1918 agreement, but the £15,000,000 loan was never made.

c. This arrangement required the assent of the Greek Parliament or Boule, the equivalent of an act of Congress, and that was never given. There was never in law anything more than a negotiation between Greece and Great Britain.

5. That Greece obtained a loan of \$8,000,000 in Canada in December, 1923, "contrary to her expressed covenant that she would not make another exterior loan without the assent of the United States, France, and Great Britain."

There is no such provision in the agreement. The provision is that "no new security may be used for an exterior loan without the assent of the Governments of the United States of America, France, and Great Britain."

When Greece borrowed in Canada she gave no new security at all; there was nothing faintly resembling a breach of the 1918 agreement. The "security" for the "exterior loans" of Greece is all in the hands of an International Financial Commission sitting in Athens. Whenever Greece gives "security" for an "exterior loan" she and the lender agree that the International Financial Commission shall hold certain Greek revenues, which are under their direct control, as security for the loan and that the International Financial Commission shall "serve" the loan by paying interest and amortization direct to the lenders out of the revenues. Greece is the pledger, the International Financial Commission a pledgee-trustee for the lender who is the beneficiary of the pledge.

The word "security" in the agreement of 1918 was used in its exact legal sense. In the French text the phrase was "aucun gage nouveau ne pourra être affecté à un emprunt extérieur." "Un gage affecté" is the precise equivalent of the English "pledged security." In the Canadian loan agreement Greece gave no "security," "pledge," or "lien." She agreed that out of the surplus revenues coming to her own treasury from the International Financial Commission she would guarantee the payment of the Canadian loan. This is no more than an agreement by a debtor to pay his debt out of his own revenues; it is neither "security" nor a "pledge" nor a "lien" nor a "gage affecté."

6. That Greece broke the agreement by failing to pay interest on the \$15,000,000 already advanced.

Greece paid interest until the spring of 1922, two and a half years after the last of the United States advances, and would have gone on paying interest had not the representative of the Greek Government,

sent to Washington expressly to obtain the continuance of the advances, found that neither the Secretary of the Treasury nor any other American official was prepared to go on with the agreement by continuing the advances. On this basis it is unfair to charge Greece with a breach of the agreement. Per contra, it would appear that if Greece had paid interest, notwithstanding the refusal of the United States to go on with the advances, Greece would have recognized that the obligation of the United States had come to an end.

7. That Greece did not come forward to fund her war debt of \$15,000,000.

This is a political not a legal objection, for there is no provision on this subject in the agreement. The objection becomes absurd when it is known that Greece was the first to send a commission to the United States to settle a war debt. The Greek commission arrived in Washington in the winter of 1921 and remained until the midsummer of 1922; it left because the United States was at that time not ready to discuss the Greek debt, and the commission was never officially received.

8. That the drachma is now worth 1.33 cents, and that to-day \$1,500,000 "would purchase and retire all the drachmas issued by the Bank of Greece on this credit."

As the fall of the drachma is largely due to the failure of the United States to continue the advances which were to be "cover" for Greece's increased note issue, this objection of the minority amounts to saying that the United States may take advantage of its own wrong; that having arranged for the note issue and having failed to protect it, the United States should now have the advantage of buying in the notes at the market price to which they have fallen, owing to the unsecured inflation for which it is responsible.

9. That the agreement was made when Greece was friendly to the Allies and that the "consideration of the agreement was negated when the Greek Government became unfriendly upon the return of King Constantine."

There is nothing in the agreement about the kind of government Greece is to have for the indefinite future. Greece loyally complied with the terms of the agreement by putting all her resources into the war. Her effort was largely responsible for the success of a major operation and the collapse of Bulgaria in September, 1918. King Constantine returned to Greece in December, 1920, two years after the war was over. Since then several Greek elections have been held, going one way or the other, and Greece has become a republic. None of these internal affairs of Greece has the slightest bearing on her war-time effort. It is extraordinary that the minority report should quote Mr. Gibbons on this subject, for as he says, "the United States used the change of government as an excellent pretext for not allowing Greece to draw further upon the credit granted her as a war measure." The position of the United States on this point is exactly what Mr. Gibbons calls it—pretext is another word for subterfuge, an effort to find a way out of the situation where no clear ground of escape exists.

Very sincerely yours,

H. MORGENTHAU.

Mr. CRISP. Gentlemen, I shall detain you but a moment, because I have already fully discussed the case. I simply desire to say that I agree fully with what the majority leader, the gentleman from Connecticut [Mr. TILSON] has said, that if this amendment should be adopted, the effect of it, of course, would be to kill the agreement as made with the Government of Greece; but the effect would also be that the United States Government, so far as this House is concerned, would say to Greece that we are willing to fund the \$15,000,000 at 34 cents on the dollar if Greece is willing to do that. Of course, it would require further action on the part of Greece to bring about this settlement of her indebtedness.

I only desire to say in further answer to the majority leader that I believe as firmly as he does in the sacredness of international obligations. I would do anything to maintain the honor of our beloved country, and I would not take any position in this House that I thought in any way violated the solemn obligations of this country, no matter whether the trade was a hard or a good one.

I am firmly convinced, in my own mind, that there is no legal or moral obligation under existing conditions for us to make further advances. Therefore, I can not vote for a bill appropriating \$12,000,000 out of the Treasury for this purpose.

I believe in arbitration. I am not a spokesman for the administration, but as an American citizen and as a Member of this Congress, I would be perfectly willing for this claim to be arbitrated. I prefer it to be arbitrated rather than to pay \$12,000,000 out of the Treasury under existing conditions, and if it is arbitrated and the arbitrators say that the United States Government owes the Greek Government \$33,000,000, I will vote to pay it. [Applause.]

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, ever so much has been said in this debate about loyalty to our obligations to the Government of Greece. I just want to touch on that subject ever so briefly and call the



attention of the House to that one master obligation that we owe to our own men who served in the late war, whether on the eastern front or on the western front.

Mr. Chairman and gentlemen, in my capacity as a member of the World War Veterans' Committee, I recall that we had before our committee last year a bill proposing additional hospitalization for the disabled men of the late World War and we could not get all the hospitals that we wanted, because a great, big, nasty word stood in the pathway—"economy." And here you come to-day proposing to take a sum of money which would build all of the new hospitals we need and give it away for the amelioration of the condition of people over the sea.

My own heart beats in sympathy, I think, with the poor, with the oppressed, with the unfortunate everywhere, but I challenge the attention of the Members of the House now that we are much in need of hospitalization in behalf of our own disabled men of the World War, and we ought to hesitate before we vote to give this \$12,000,000 to a foreign nation.

I am quite sure if you could go with me—and I know that many of you have been there—to the different hospitals and to the different branches of the Veterans' Bureau you would discover the vast need in which we stand for a greater amount of money to properly care for our injured soldiers of the war.

The Veterans' Bureau is doing all it can do, I think, considering the legislation under which it functions, but I feel that if we could broaden the powers of General Hines to some extent and give him this \$12,000,000 which we are now sending to Greece, by the aid of it he might carry relief to thousands of disabled ex-service men.

I offer nothing further in defense of my own action in opposition to this bill than the suggestion that my own people and your own people, the soldiers of the late World War, need this money for their care and comfort, and I deem that a sufficient reason for opposing this entirely unnecessary appropriation to be sent beyond the seas. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HASTINGS] to the amendment offered by the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. Mr. Chairman, I will accept that amendment if it will facilitate the matter.

The CHAIRMAN. It will require a vote.

The question was taken; and the amendment of Mr. HASTINGS to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GARNER].

The question was taken; and on a division (demanded by Mr. GARNER of Texas) there were 117 ayes and 119 noes.

So the amendment was rejected.

The CHAIRMAN. If there is no further amendment, the committee rises automatically under the rule.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10760 and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GARNER of Texas. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 155, not voting 104, as follows:

[Roll No. 2]

YEAS—171

Ackerman	Butler	England	Hancock
Aldrich	Campbell	Englebright	Hardy
Allen	Carss	Estep	Hawley
Andrew	Carter	Fish	Hersey
Arentz	Chalmers	Fisher	Hickey
Bacharach	Chase	Fitzgerald, Roy G.	Hoch
Bachmann	Chindblom	Fitzgerald, W. T.	Hoffman
Bacon	Clancy	Fort	Hogg
Barbour	Clarke	Foss	Holaday
Beedy	Cochran, Pa.	Frear	Hooper
Beers	Colton	Freeman	Hope
Bloom	Cooper, Ohio	French	Houston, Del.
Bohn	Cramton	Furlow	Hughes
Bowles	Crosser	Gibson	Hull, Morton D.
Bowman	Crowther	Gifford	Hull, Wm. E.
Boylan	Culkin	Glynn	Irwin
Brand, Ohio	Dallinger	Goodwin	James
Brigham	Darrow	Guyer	Kahn
Britten	Douglas, Ariz.	Hadley	Kearns
Browne	Dyer	Hall, Ill.	Kelly
Burtness	Eaton	Hall, Ind.	Ketcham
Burton	Elliott	Hall, N. Dak.	Kiess

Kindred	Michaelson	Sears, Nebr.
King	Michener	Seger
Kopp	Miller	Shreve
Korell	Monast	Sirovich
LaGuardia	Morgan	Smith
Langley	Murphy	Snell
Lea	Nelson, Me.	Speaks
Leavitt	Newton	Spearing
Leech	Niedringhaus	Sproul, Ill.
Lehlbach	O'Connor, La.	Sproul, Kans.
Letts	O'Connor, N. Y.	Stalker
Luce	Parker	Stobbs
McLaughlin	Pratt	Strong, Kans.
MacGregor	Ramseyer	Strong, Pa.
Maas	Ransley	Summers, Wash.
Magrady	Reece	Swick
Manlove	Reed, N. Y.	Swing
Mapes	Rogers	Taber
Martin, Mass.	Rowbottom	Temple
Mead	Sabath	Thatcher
Merritt	Sanders, N. Y.	Thompson

NAYS—155

Abernethy	DeRouen	Kent	Rankin
Adkins	Dickinson, Mo.	Kerr	Rayburn
Allgood	Dominick	Kincheloe	Robinson, Iowa
Almon	Doughton	Knutson	Romjue
Andresen	Douglass, Mass.	Kvale	Rutherford
Arnold	Drane	Lampert	Sanders, Tex.
Aswell	Drewry	Lanham	Sandlin
Auf der Heide	Driver	Lankford	Schafer
Ayres	Edwards	Larsen	Schneider
Bankhead	Eshick	Lowrey	Selvig
Berger	Fulmer	Lozwy	Shallenberger
Black, Tex.	Gambrill	Lyon	Simmons
Bland	Garber	McCormack	Sinclair
Blanton	Gardner, Ind.	McDuffie	Steagall
Box	Garner, Tex.	McKeown	Stedman
Brand, Ga.	Garrett, Tenn.	McMillan	Steele
Briggs	Garrett, Tex.	McReynolds	Stevenson
Browning	Gasque	McSwain	Summers, Tex.
Bulwinkle	Gilbert	McSweeney	Swank
Busby	Gregory	Major, Ill.	Tarver
Bushong	Green	Major, Mo.	Taylor, Colo.
Byrns	Hare	Mansfield	Vinson, Ga.
Canfield	Harrison	Martin, La.	Vinson, Ky.
Cannon	Hastings	Milligan	Ware
Cartwright	Hill, Ala.	Moore, Ky.	Warren
Chapman	Hill, Wash.	Moore, Va.	Weaver
Christopherson	Howard, Nebr.	Moorman	White, Colo.
Claque	Howard, Okla.	Morehead	Whitehead
Cochran, Mo.	Huddleston	Nelson, Mo.	Whittington
Cole, Iowa	Hull, Tenn.	Nelson, Wis.	Williams, Mo.
Collier	Jeffers	Norton, Nebr.	Williams, Tex.
Collins	Johnson, Ill.	O'Brien	Williamson
Connally, Tex.	Johnson, Ind.	Palmisano	Wilson, La.
Conner	Johnson, Okla.	Parks	Wilson, Miss.
Cooper, Wis.	Johnson, S. Dak.	Patterson	Wingo
Cox	Johnson, Tex.	Perkins	Woodrum
Crisp	Jones	Quin	Wright
Davis	Kading	Ragea	Yon
Deal	Kemp	Raney	

NOT VOTING—104

Anthony	Dickstein	Kendall	Quayle
Beck, Pa.	Doutrich	Kunz	Reed, Ark.
Beck, Wis.	Dowell	Kurtz	Reid, Ill.
Beggs	Doyle	Leatherwood	Robison, Ky.
Bell	Evans, Calif.	Lindsay	Sears, Fla.
Black, N. Y.	Evans, Mont.	Linthicum	Somers, N. Y.
Boies	Faust	McClintic	Strother
Buchanan	Fenn	McFadden	Sullivan
Buckbee	Fitzpatrick	McLeod	Tatgenhorst
Burdick	Fletcher	Menges	Taylor, Tenn.
Carew	Free	Montague	Thurston
Carley	Fulbright	Mooney	Tillman
Casey	Gold	Moore, N. J.	Tucker
Celler	Goldsborough	Moore, Ohio	Underwood
Cohen	Graham	Morin	Updike
Cole, Md.	Greenwood	Morrow	Watson
Combs	Griest	Norton, N. J.	Welch, Calif.
Connolly, Pa.	Griffin	O'Connell	Weller
Corning	Hale	Oliver, Ala.	Welsh, Pa.
Crall	Hammer	Oliver, N. Y.	White, Kans.
Cullen	Haugen	Palmer	Wurbach
Curry	Hudson	Peavey	Yates
Davenport	Hudspeth	Peery	Zihlman
Davey	Igoe	Porter	
Dempsey	Jacobstein	Pou	
Denison	Jenkins	Prall	
Dickinson, Iowa	Johnson, Wash.	Purnell	

So the bill was passed.

The following pairs were announced:

Mr. Watson (for) with Mr. Pou (against).  
Mr. Hudson (for) with Mr. Hammer (against).

General pairs:

Mr. Connolly of Pennsylvania with Mr. O'Connell.  
Mr. Curry with Mr. Hudspeth.  
Mr. Davenport with Mr. Goldsborough.  
Mr. Free with Mr. Dickstein.  
Mr. Dowell with Mr. McClintic.  
Mr. Hale with Mr. Fletcher.  
Mr. Reid of Illinois with Mr. Bell.  
Mr. Purnell with Mr. Griffin.  
Mr. McFadden with Mr. Casey.  
Mr. Kendall with Mr. Mooney.  
Mr. Moore of Ohio with Mr. Black of New York.  
Mr. Porter with Mr. Peery.  
Mr. Denison with Mr. Doyle.  
Mr. Taylor of Tennessee with Mr. Carew.  
Mr. Faust with Mr. Montague.  
Mr. Griest with Mr. Corning.

Mr. Yates with Mr. Linthicum.  
 Mr. Jenkins with Mr. Buchanan.  
 Mr. Zihlman with Mr. Carley.  
 Mr. Wurzbach with Mr. Morrow.  
 Mr. Golder with Mr. Combs.  
 Mr. Fenn with Mr. Moore of New Jersey.  
 Mr. Dickinson of Iowa with Mr. Sears of Florida.  
 Mr. Begg with Mr. Kunz.  
 Mr. Kurtz with Mr. Underwood.  
 Mr. Welsh of Pennsylvania with Mr. Lindsay.  
 Mr. Johnson of Washington with Mr. Tillman.  
 Mr. Robison of Kentucky with Mr. Weller.  
 Mr. Menges with Mr. Igoe.  
 Mr. Beck of Pennsylvania with Mr. Greenwood.  
 Mr. Burdick with Mr. Tucker.  
 Mr. Crall with Mr. Fulbright.  
 Mr. Dempsey with Mr. Sullivan.  
 Mr. Evans of California with Mr. Davey.  
 Mr. Haugen with Mr. Jacobstein.  
 Mr. Doutrich with Mr. Reed of Arkansas.  
 Mr. Buckbee with Mr. Somers.  
 Mr. Leatherwood with Mr. Evans of Montana.  
 Mr. McLeod with Mr. Fitzpatrick.  
 Mr. Strother with Mr. Oliver of Alabama.  
 Mr. Welch of California with Mr. Quayle.  
 Mr. Tatgenhorst with Mr. Cole of Maryland.  
 Mr. Graham with Mr. Cohen.  
 Mr. Morin with Mr. Oliver of New York.  
 Mr. Thurston with Mrs. Norton.  
 Mr. White of Kansas with Mr. Cullen.  
 Mr. Peavey with Mr. Prall.  
 Mr. Palmer with Mr. Celler.

The result of the vote was then announced as above recorded.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON, from the Committee on Appropriations, by direction of that committee, reported the bill H. R. 15089 (Rept. No. 1938), making appropriation for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARRETT of Tennessee reserved all points of order.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; and

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States.

#### ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to make an announcement. It is expected that to-morrow at the close of the disposition of matters on the Speaker's desk, the Austrian debt settlement bill will be taken up, and that will be followed by the Interior Department appropriation bill.

#### ST. LOUIS POST-DISPATCH

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and ladies and gentlemen of the House, I rise to call your attention to a special edition of the St. Louis Post-Dispatch, one of the great newspapers of the world, which has just arrived and can be found in the reading room.

This edition celebrates the fiftieth anniversary of the establishment of the St. Louis Post-Dispatch by the elder Joseph Pulitzer. It probably represents the most ambitious effort ever made by a newspaper in producing a single edition. It contains articles by more celebrated contributors than have ever before been assembled in one place, and in addition it contains also cartoons by the most celebrated of American and European artists. Among the outstanding contributors to the edition are President Coolidge, Chief Justice Taft, Foreign Minister Stresemann, of Germany, H. G. Wells, Dean Inge, Bertrand Russell, Count Keyserling, Prof. Albert Einstein, B. S. Haldane, Commander Byrd, Henry Ford, Owen D. Young, Maxim Gorky, Senators Borah, Thomas J. Walsh, and Norris, and numerous others. The illustrators include such famous artists as Max Beerbohm, Louis Raemaekers, Frank Brangwyn, Boris Epimov, and Daniel R. Fitzpatrick.

An interesting feature of the edition is a facsimile of the first number of the Post-Dispatch. This 4-page paper was issued December 12, 1878, and its brevity and crude typographical appearance forms an extraordinary contrast with the anniversary edition of which it is a part; the latter consisting of 232 pages, including seven sections printed in rotogravure style on smooth white paper.

Among the interesting features contributed to the edition by the members of the paper's own staff are an intimate history of the elder Joseph Pulitzer by his former companion, a history of St. Louis in the last 50 years, and a history of the Post-Dispatch since its founding.

As an illustration of the elaborate pains and expense which attended the production of this remarkable edition it may be observed that it was sold on the streets of St. Louis at the regular price of 10 cents whereas the white paper on which it was printed cost more than twice that amount and the cost of mailing copies as first-class postage from St. Louis to Washington was \$2.32 each.

The handsome character and extraordinary content of this edition thoroughly illustrates the character which the paper has consistently maintained in the past.

The Post-Dispatch's platform found daily on the editorial page written by Joseph Pulitzer, sr., at the time of his retirement, April 10, 1907, is as follows:

I know that my retirement will make no difference in its cardinal principles; that it will always fight for progress and reform, never tolerate injustice or corruption, always fight demagogues of all parties, never belong to any party, always oppose privileged classes and public plunderers, never lack sympathy with the poor, always remain devoted to the public welfare, never be satisfied with merely printing news; always be drastically independent; never be afraid to attack wrong, whether by predatory plutocracy or predatory poverty.

In concluding I might say that 34 years ago, at the age of 14 years, I secured my first job, that of office boy in the editorial department of this newspaper.

#### ADDRESS OF HON. JOHN M'DUFFIE

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by the gentleman from Alabama [Mr. McDUFFIE] before the Mississippi Valley Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by the gentleman from Alabama [Mr. McDUFFIE] before the Mississippi Valley Association:

#### OUR INLAND WATERWAYS

Mr. McDUFFIE. After listening to a vast array of experts with all their convincing logic and pleasing eloquence in dealing with the subject of waterways, it is with great diffidence yet with some degree of temerity that I assume a place on this rostrum. Any effort of mine to add anything to this remarkable program is to me seemingly as futile as trying to "paint the lily" or "gild refined gold." It is a great privilege, however, to stand in this presence and greet those who are giving of their time and means for the proper development and full utilization of those unlimited natural resources to be found in our wonderful system of waterways. No organization has done more than the Mississippi Valley Association to fasten the public mind upon the necessity for the conversation and utilization of the Nation's natural resources. Under its progressive leadership during a long period of years, together with



that of the National Rivers and Harbors Congress and similar organizations, the American people have come more and more to recognize the potentialities of our inland waterways for the creation of vast wealth and the multiplication of taxable values. Recognizing such possibilities, the people of this country are now so determined to make use of our waterways we can write into law any reasonable program desired for the consummation of such a purpose. Within recent years Congress has laid new and definite plans to be promptly executed with a view of ending the long delay which has handicapped water transportation and prevented the proper usage of our water courses. In the working out of the country's waterway program the name of one man stands out boldly upon the record. With farseeing vision and untiring zeal he has given many of the best years of his life to the great problems of conservation.

The American people owe a debt of gratitude to that noble "Old Roman," that fine, courtly gentleman, James E. Smith. Verily, he has been the Lindbergh of waterway development in the United States, representing not only the spirit of St. Louis, but indeed the spirit of America.

The American frontiers have disappeared as the courage and genius of our people have planted our civilization on every hilltop and in every vale. The United States, especially since the World War, with all her energy and marvelous resources, is setting a new pace in the onward march of the world's progress and development. No longer here can we say East is East and West is West, but to-day East is West and West is East. In the Rivers and Harbors Committee, this has always been so, for there we have no section or partisan politics. Only a few days ago, however, I also learned with some degree of consternation that, not only economically but politically speaking, South is North and North is South. Surely we have more and more become one large family with interests more mutual than ever before. Though we have our family rows, after all, we are a great, proud, and patriotic people, working together for the common weal and predestined progress of a great Nation. What a privilege to live in the most progressive age of American history, as well as in the history of the world. It would seem man has conquered the earth, the heavens above, and the waters beneath the earth. The "tick" of the telegraph, the "hello" of the telephone, the use of electricity, not only turning the wheels of countless industries, but flashing instantaneous communication from continent to continent has made neighbors of distant peoples and brought to the human family marvelous advantages and comforts of life.

Despite the boasted progress of our people with their vast national wealth we can not escape the fact that this Nation has moved at a snail's pace in the development of our inland waterways as compared to many of the older and smaller nations of the world. In the development of harbors there never was a division of the sentiment of all our people, but the development of inland waterways has heretofore met with opposition from the railroads. This is but natural in the light of possible competition. In the words of Commissioner Taylor of the Interstate Commerce Commission, "It is as natural for the rail to fight the water as for a dog to fight a cat."

In answer to this indictment of delay in developing our waterways we might set up the plea of "confession and avoidance" in that we have on the American Continent the most magnificent system of railroads in the world, which until recent years were probably capacitated to adequately transport the commerce of the Nation. However, with the cessation of railroad building and the normal increase of our population; with the building up everywhere of new industries and their mass production; with the multiplication of the Nation's tonnage, which, according to Mr. Hoover, who is, in my judgment, most excellent authority on this subject, trebles itself every 30 years, our transportation system is facing new burdens which must and can only be solved by the proper coordination of the rail lines with the waterways. Realizing this, it is gratifying to know that several of our largest railroads are to-day lending their cordial, sympathetic, effective, and satisfactory cooperation. The time is at hand, or will soon come, when all rail lines must assume the same attitude of cooperation. Inland water transportation has come back. It is here to stay, and the American people will give it every protection needed for its success. It is just as futile to deny the necessity of inland waterway transportation as it would be to deny the necessity for an adequate highway system if the products of our fields and factories are to move with quick dispatch and less cost to all the busy markets of the world. The Congress, recognizing the necessity for the use of our river system in the general scheme of transporting the Nation's commerce, sought a director to demonstrate their value. We wisely selected a man who has shown to America beyond peradventure that transportation on our inland rivers is feasible, successful, and an economic necessity. Though hedged about more or less with that red tape which is incident to government operation of any business, the American people are happy to learn of the success of the Inland Waterway Corporation under the splendid management of Gen. T. Q. Ashburn.

In addition to transportation, especially since the coming of the alternating electric current, we have found new uses for our water courses. After many years of expending public funds for navigation, we have come to forcefully recognize the fact that the water which

floats barges and boats on many streams can be used for the generation of power to turn the wheels of industry, and with the impounding of headwaters and flood tides behind high dams the control of floods naturally follows, while swamp and arid lands are reclaimed for the production of food and raiment for mankind. The act of Congress authorizing and directing the study of all our inland streams with a view of their development for navigation, power, and the control of their flood hazards, was the greatest step forward which has ever been undertaken for conservation in America. On the Cumberland River the Congress authorized many years ago a series of low navigation dams, reaching from South Fork to Burnside, to be constructed at an enormous cost to the Public Treasury. Studies of this stream by experts have revealed that within this stretch of many miles there can be constructed at less cost, three high dams instead of nine low ones, with the result that we can secure better navigation channels and at the same time generate annually millions of kilowatt-hours of hydroelectric power. You are familiar with the possible power development on the Tennessee River, which is one of the world's most remarkable waterways. In 1920 a study of the Tennessee was authorized by the Congress with a view of ascertaining its potential power. Up to that time no one even guessed that more than 1,900,000 horsepower was possible to be developed. Yet a careful survey by the Army engineers, which is just now concluded, discloses 130 dam sites and 7,000,000 horsepower available on the Tennessee River and its tributaries.

In America we have entered the electrical age. Electricity has become the "hewer of wood and the drawer of water," and has destroyed the drudgery of the work in the home. It is turning more wheels of industry than steam itself, while its marvelous flash has carried the comforts of the city to the countryside and has brought the country into town. Through its mystifying processes nitrates for death-dealing instrumentalities of war and food for plant life are snatched from the air, while experiments are daily being made which actually promise enrichment of depleted soils by passing through them electric currents. Blessed as we are in this Nation with coal, gas, and oil, we are not assured that our supply of these important energy-producing commodities is unlimited, therefore the American people must of necessity conserve, for development to their maximum capacity, the power possibilities of every water course throughout the Nation.

Belonging to that school of thought which does not teach that the Government, as a policy, should enter the field of ownership and operation of all public utilities, I would not urge the construction of power dams on all streams where only power possibilities exist for the production and distribution of electrical energy by the Government. Where power is incident to navigation and flood control, however, the Federal Government should construct such dams as will serve both purposes. Market demands for power are daily increasing and at no distant day would it be difficult, by lease or otherwise, to realize such a return on the cost of construction as would more than pay for the navigation and flood control improvement, and eventually amortize the cost of power dams. It is nothing less than neglect, if we refuse to follow such a course. It is not only unsound, but wasteful, if we fail to serve our people and conserve our resources in this way in our programs for the improvement of our navigable streams.

On some of our smaller streams improvement for navigation alone has been deemed impractical because the immediate benefit to the commerce of the Nation is not commensurate with the cost. Likewise the improvement for power alone might not appear feasible, because of the lack of a reasonable return on large investments, yet if such streams were developed as joint navigation, power, and flood control projects, the element of excessive cost for either purpose might be eliminated. In certain instances if such a policy could be carried out jointly by the Government and private capital interested in power development, the Government assuming that portion of improvement costs chargeable to navigation and flood control and private capital that portion incident to power development, such projects would be rendered feasible and more immediately available for transportation, as well as for the building up of additional industries. Such a policy, satisfactorily evolved, wherein the welfare of the public is thoroughly safeguarded, and the interests of private capital likewise protected, would hasten the development of many streams now susceptible of quick development really needed in our waterway system. In Seattle sometime ago, Mr. Hoover announced the need for such a policy in one of the most comprehensive and best considered speeches ever delivered upon the subject of waterway development in America.

Definite plans for carrying out such a policy must be worked out and the quickest way to work them out is for the Mississippi Valley Association and similar organizations to take up the subject, study it, analyze it, define the plans, and submit them to Congress. Navigation development and flood control should not be delayed because power interests are not ready in every instance to construct power dams, and, whether or not political and business genius combined formulate the definite plans I have mentioned, the time will soon come when the people will demand that Congress improve certain of these projects, even though the whole cost comes from the Public Treasury. On many streams, if the Government builds high dams, sooner or later private capital interested in power will use them. In this electrical age the power available on

many of our streams should give us in the immediate future adequate channels at a minimum cost, with the possibility that within a period of years even that minimum cost will be amortized.

A detailed survey by the United States engineers is now being made of the proposed Bear Creek cut-off canal to join the waters of the Tombigbee with those of the Tennessee, an example of such projects as I have described. This improvement has been the dream of a century, but as a navigation project exclusively our engineers in the years gone by did not approve it because of the estimated excessive cost. Water-power development, however, having become so extensive and having assumed such large proportions in the growth of the Nation's commerce, it is now declared by many expert engineers that this project is feasible. The construction of a power dam below the mouth of Bear Creek would raise the waters of the Tennessee practically one-half the elevation of the crest between the two streams. The cutting of a short canal and construction of a series of power dams down the Tombigbee, which is already canalized from its mouth to Demopolis, would afford a 9-foot channel to the Gulf at Mobile. This project would shorten the waterway mileage from Cairo to the Gulf more than a hundred miles, from points above Paducah on the Ohio, 200 miles, and from points east of Riverton on the Tennessee 650 miles. Let me respectfully commend this project to the membership of this association in the hope that it will have your careful and sympathetic consideration upon the completion of its study by the engineers. The Arkansas and Coosa Rivers might also be classed with the type of development just mentioned.

The program committee of this association has been kind enough to me, even though inconsiderate of those who hear me, not to confine me to any one subject for discussion, incidentally suggesting, however, that with your permission I might discuss for a few moments some of the many advantages of one of the major ports of the Gulf coast. In doing so, briefly, may I express the hope that I am not breaching the proprieties of this occasion. The waterway advocates of Alabama and especially of Mobile are quite proud and appreciative of the privilege accorded us in recent years of being associated with and becoming a part of this organization. As new members, more or less, you will, with patience I am sure, pardon our overweening enthusiasm, as we grasp every opportunity to tell you of ourselves and our section.

A new day is dawning for the South as we rapidly become an industrial section. There we have the raw material, climate, soil, an abundance of cheap power, and all the forces of nature so ready to respond to the intelligent and scientific touch of man. In only two States, namely, Mississippi and Arkansas, and possibly Florida, does the value of the annual agricultural production exceed the value of the annual mineral and other industrial production. We are highly pleased with the statement of Mr. Schwab, that great captain of industry and pioneer steel producer, who on a recent visit to the Gulf coast, predicted an unprecedented development of the Gulf territory. Recognizing the South's industrial growth, and its proximity to our Latin-American neighbors, Congress has wisely provided in recent years vast sums of money for harbor development, as well as for the canalization of the inland and coastwise waterways of the Gulf States. Our major ports have sufficient depth to accommodate, with few exceptions, the largest freight-carrying steamers that ply all the seven seas. The possibilities of trade with Latin America are attracting the captains of industry everywhere. With approval I quote him who said, "Trade is the magic which opens the door to good will and friendship and makes for the peace of the world."

The American people are to be congratulated that our President elect, with his keen perception and thorough understanding of world affairs, has set sail upon a good-will tour amongst our South American neighbors. We can but believe that a better international understanding, a broader vision, a more friendly feeling, and a closer communion between North and South America will result from the timely visit of our next President of the United States, Herbert Hoover.

With an abiding faith in the future, and realizing the possible expansion of our commerce with Latin-American nations, the far-visioned people of Alabama, by their vote, in 1923, determined to build at Mobile the most modernized port in America. Under the direction of Maj. Gen. William L. Sibert, an outstanding figure in the building of the Panama Canal, and one of the world's greatest engineers, \$10,000,000 have been expended in the construction of a new port at old Mobile. In a spirit of friendly rivalry, with no intention to discredit New Orleans, the "Queen City," in which all the Nation takes a just pride; with no purpose to discount the great cotton and grain ports of Houston and Galveston, or the other major ports of the Gulf, with whom we are to-day joining hands in an effort to have the tonnage from this section, and the primary markets of the Mid West, flow its natural course "downhill" to deep water for export, the port of Mobile, the most conspicuous land-locked harbor from Hampton Roads to the mouth of the Amazon River, now offers to the commerce of the world an open port, with the most modernly equipped terminal facilities on the entire American coast line. Since the beginning of operation of the first unit our tonnage has increased from approximately 3,000,000 to approximately 5,000,000. A belt-line railroad of 37 miles, including switching and pier trackage, connects the terminals with our five trunk-line railroads assuring receipt and delivery at a

minimum of time and cost. A vast equipment specially provided for handling cargoes of flour, and coal-handling facilities, with a capacity of 1,000 tons per hour, Pier B, occupying 20 acres—with 14 acres under shed—is the largest steamship pier of its kind in the world.

In the harbor of Mobile we have the largest and best shipbuilding industries south of Newport News. Nearer the Panama Canal, the west coast of South America, nearer St. Louis, Chicago, and Cincinnati than any other major Gulf port; connected with the Intracoastal Canal; situated at the mouth of 1,500 miles of navigable rivers, reaching with an 8-foot channel into the coal and iron district of Birmingham—the Pittsburgh of the South, where steel is manufactured at less cost than anywhere else in America—Mobile, Alabama's only seaport, is inviting and attracting commerce from all parts of the world. Still possessing its old-time hospitality, charm, and romance, historic Mobile is moving forward with renewed life and quickened pace, inviting capital everywhere to come and share her opportunities and advantages, while her deep, safe, and new port is beckoning to the world's commerce.

To those who seek locations for industries we offer ideal sites free of charge for a period of years, or at nominal cost on a deep industrial canal connected with the new terminals; to those capitalists who would build up trade and venture their fortunes in the development of the marvelous resources of Central and South America we now give assurance that the quickest route, the most available gateway, for their products is through the port of Mobile. To those who would play she invites you to come to the land of azalias, magnolias, and the sweet-scented blossoms of her orange groves, where you may bask in the sunny clime of the center of America's Riviera, listen to the songs of birds mingling with those of children all the year round, and enjoy the gentle breezes of Mobile Bay.

#### REPORT OF BUREAU OF EFFICIENCY

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Expenditures in the Executive Departments.

*To the Congress of the United States:*

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1927, to October 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

#### ARLINGTON MEMORIAL AMPHITHEATER

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds:

*To the Congress of the United States:*

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the Annual Report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ending June 30, 1928. The attention of the Congress is invited to the renewal of the recommendation of the commission that the Tomb of the Unknown Soldier be completed and that the balance of the \$50,000 authorized for the completion of said tomb, \$47,500, is carried in the Budget estimates for the fiscal year 1930.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

#### PUBLIC SERVICE COMMISSION OF PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs:

*To the Congress of the United States:*

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith certified copies each of 15 franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—  
Mr. HUDSON, at the request of Mr. MAPES, for two days, on account of official business.

Mr. O'CONNELL, for three days, on account of illness in family.



Mr. TATGENHORST, for 10 days, on account of important business.

Mr. HUDSPETH, indefinitely, on account of sickness.

Mr. DENISON, indefinitely, on account of official business.

#### ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 11, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, December 11, 1928, as reported by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

##### COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

##### COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

For the relief of Porto Rico (H. J. Res. 333).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

655. A letter from the Secretary of the Treasury, transmitting draft of a bill to amend Public Law No. 543, Sixty-eighth Congress, approved March 3, 1925, which provides for the restoration of Fort McHenry, in the State of Maryland; to the Committee on Military Affairs.

656. A letter from the Secretary of the Treasury, transmitting the report of the Surgeon General of the Public Health Service for the fiscal year 1929 (H. Doc. No. 346); to the Committee on Interstate and Foreign Commerce.

657. A letter from the Secretary of War, transmitting statement showing permits and licenses issued under the authority of the act (41 Stat. 1063) during the fiscal year ended June 30, 1928; to the Committee on Interstate and Foreign Commerce.

658. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to \$60,000 for the fiscal year 1929, to enable the Secretary of Agriculture to continue the operation of the Center Market at Washington, D. C., from February 1 to June 30, 1929 (H. Doc. No. 459); to the Committee on Appropriations and ordered to be printed.

659. A letter from the Secretary of War, transmitting annual report of the American National Red Cross for the year ending June 30, 1928; to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

[Submitted December 8, 1928]

Mr. SNELL: Committee on Rules. H. J. Res. 342. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.; without amendment (Rept. No. 1931). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 254. A resolution providing for the consideration of H. R. 10760, a bill to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; without amendment (Rept. No. 1932). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 255. A resolution providing for the consideration of H. J. Res. 340, a joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1933). Referred to the House Calendar.

[Submitted December 10, 1928]

Mr. BRITTEN: Committee on Naval Affairs. H. R. 13249. A bill to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels; without amendment (Rept. No. 1934). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 14660. A bill to authorize alterations and repairs to the U. S. S. *California*; with amendment (Rept. No. 1935). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 14922. A bill to authorize an increase in the limit of cost of two fleet submarines; without amendment (Rept. No. 1936). Referred to the Committee of the Whole House on the state of the Union.

Mr. DARROW: Committee on Naval Affairs. H. R. 13685. A bill to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes; with amendments (Rept. No. 1937). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAMTON: Committee on Appropriations. H. R. 15089. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1938). Referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8205) granting a pension to Benjamin Bothwell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14886) granting a pension to Dena Phillips; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14945) granting an increase of pension to Sarah O'Neill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 15067) to authorize the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHMANN: A bill (H. R. 15068) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: A bill (H. R. 15069) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 15070) to provide for the construction of a retaining wall at Fort Moultrie, S. C.; to the Committee on Military Affairs.

Also, a bill (H. R. 15071) to authorize an appropriation of \$2,500 for the erection of a marker or tablet in memory of Col. Isaac Hayne over his grave in Colleton County, S. C.; to the Committee on the Library.

By Mr. SPROUL of Illinois: A bill (H. R. 15072) granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue in said county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: A bill (H. R. 15073) to authorize an appropriation for the construction of 2 barracks buildings, 1 hospital wing, and 2 sets of double quarters for doctors at the Western Branch, National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 15074) to authorize an appropriation of \$630,000 for construction of additional hospital facilities and doctors' quarters at Southern Branch of National Home for Disabled Volunteer Soldiers at Hampton, Va.; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 15075) to amend section 15a of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HADLEY: A bill (H. R. 15076) to aid in the survey and location of a low-level tunnel under the Cascade Mountains,

between Skykomish and Leavenworth, in the State of Washington; to the Committee on the Public Lands.

By Mr. HILL of Alabama: A bill (H. R. 15077) declaring Armistice Day to be a legal public holiday; to the Committee on the Judiciary.

By Mr. HILL of Washington: A bill (H. R. 15078) to aid in the survey and location of a low-level tunnel under the Cascade Mountains, between Skykomish and Leavenworth, in the State of Washington; to the Committee on the Public Lands.

By Mr. HOUSTON of Hawaii: A bill (H. R. 15079) to amend the act entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States"; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 15080) to amend section 319 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois: A bill (H. R. 15081) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 15082) to amend section 47c, national defense act, as amended, relating to military training required to entitle members of the Reserve Officers' Training Corps, to receive commutation of subsistence; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 15083) for postal employees longevity; to the Committee on the Post Office and Post Roads.

By Mr. PORTER: A bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River between a point at or near Reedsdale Street in the north side and a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 15085) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. VESTAL: A bill (H. R. 15086) to authorize the President of the United States to effect and proclaim the adhesion of the United States to the convention for the protection of works of literature and art signed at Rome on June 2, 1928; to the Committee on Patents.

By Mr. HOWARD of Oklahoma: A bill (H. R. 15087) to compensate the Delaware Indians for services rendered by them to the United States in various wars; to the Committee on the Public Lands.

By Mr. NELSON of Maine: A bill (H. R. 15088) to provide for the extension of the boundary limits of the Lafayette National Park, in the State of Maine, and for change of name of said park to the Acadia National Park; to the Committee on the Public Lands.

By Mr. CRAMTON: A bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. DAVILA: A bill (H. R. 15090) to authorize the acquisition for forestry purposes of lands within the Territory of Porto Rico; to the Committee on Agriculture.

By Mr. CRAMTON: A bill (H. R. 15091) exempting certain Indian lands from taxation for a period of 25 years; to the Committee on Indian Affairs.

By Mr. SWING: A bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif.; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 15093) to increase the pensions of certain soldiers of the Civil War and widows of Civil War soldiers; to the Committee on Invalid Pensions.

By Mr. NEWTON (by request): A bill (H. R. 15094) to create a board for the safety and betterment of the people; to the Committee on Interstate and Foreign Commerce.

By Mr. DRANE: A bill (H. R. 15095) for the improvement of the Caloosahatchie River, Fla., for purposes of navigation and flood control; to the Committee on Flood Control.

By Mr. HASTINGS: Joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians, to June 30, 1931, and for other purposes; to the Committee on Indian Affairs.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 344) to authorize the Secretary of War to expend not to exceed

\$50,000 for the protection from glacier-stream floods at Valdez, Alaska; to the Committee on the Territories.

By Mr. WOODRUM: Joint resolution (H. J. Res. 345) proposing a location in Virginia for temporary White House; to the Committee on Public Buildings and Grounds.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ALLEN: A bill (H. R. 15096) granting a pension to Anna Tuck Sapp; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 15097) granting an increase of pension to Emma P. Ripley; to the Committee on Pensions.

By Mr. BACHMANN: A bill (H. R. 15098) granting an increase of pension to Margery Guy; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 15099) granting an increase of pension to Loretta R. Heck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15100) granting an increase of pension to Mary E. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15101) granting a pension to Minnie Maud Sweezy; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 15102) granting an increase of pension to Maggie M. Wolf; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 15103) granting an increase of pension to Walter T. Ponton; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 15104) granting an increase of pension to Nannie A. Highland; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 15105) granting an increase of pension to Guss Hughes; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 15106) granting a pension to Nancy J. Harris; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 15107) for the relief of Hedwig Grassman Stehn; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 15108) granting an increase of pension to Francis Draper; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 15109) granting an increase of pension to Alice M. Fowler; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 15110) granting a pension to Reuben R. Sanchez for injuries received while employed in the Quartermaster Corps at Tampa, Fla., during the Spanish-American War; to the Committee on Pensions.

Also, a bill (H. R. 15111) granting a pension to George W. Ross, of Zephyrhills, Fla., for injuries received while serving on the U. S. S. *San Diego* at the time of her sinking during the World War; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 15112) granting an increase of pension to Frank T. McDougall; to the Committee on Pensions.

Also, a bill (H. R. 15113) granting an increase of pension to Frank B. Torlay; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15114) granting an increase of pension to Susannah Dibble; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 15115) for the relief of George B. Marx; to the Committee on War Claims.

By Mr. HILL of Alabama: A bill (H. R. 15116) granting a pension to Benjamin Robinson; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 15117) for the relief of Leslie E. Drake; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 15118) granting a pension to William Glover; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 15119) granting an increase of pension to Mary A. Farrell; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15120) granting an increase of pension to Elizabeth Yeates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15121) granting an increase of pension to Melise Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15122) granting an increase of pension to Martha Merchant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15123) granting an increase of pension to Emma Collard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15124) granting a pension to Wilda Ross; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15125) granting an increase of pension to Sarah E. Morris; to the Committee on Invalid Pensions.



By Mr. KING: A bill (H. R. 15126) granting an increase of pension to James G. Voris; to the Committee on Pensions.

Also, a bill (H. R. 15127) granting an increase of pension to Scott Oder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15128) granting a pension to Milton Frits; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 15129) granting a pension to Catherine Krips; to the Committee on Pensions.

By Mr. KORELL: A bill (H. R. 15130) granting a pension to Jennie Ferguson; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 15131) providing for the examination of Manitowoc (Wis.) Harbor; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15132) providing for the examination and survey of Two Rivers (Wis.) Harbor; to the Committee on Rivers and Harbors.

By Mr. LANHAM: A bill (H. R. 15133) for the relief of Don A. Spencer; to the Committee on Claims.

Also, a bill (H. R. 15134) granting a pension to Charlotte C. Lace; to the Committee on Invalid Pensions.

By Mr. LARSEN: A bill (H. R. 15135) granting an increase of pension to Paul O. Brownlee; to the Committee on Pensions.

By Mr. LEA: A bill (H. R. 15136) granting an increase of pension to Mattie E. Ormsby; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 15137) granting an increase of pension to Catherine J. Cooper; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15138) granting a pension to Andrew J. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15139) granting a pension to Mary Jane Trotter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15140) granting a pension to Rachel E. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15141) granting an increase of pension to Elizabeth Erdle; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 15142) granting a pension to Samantha E. Hunter; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15143) granting a pension to Louisa Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15144) granting an increase of pension to Katherine McDonald; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 15145) for the relief of Henry E. Williams; to the Committee on Military Affairs.

By Mr. McMILLAN: A bill (H. R. 15146) for the relief of D. M. Campbell; to the Committee on Naval Affairs.

Also, a bill (H. R. 15147) for the relief of Spring Street Methodist Episcopal Church South, of Charleston, S. C.; to the Committee on War Claims.

Also, a bill (H. R. 15148) granting a pension to George Rivers; to the Committee on Pensions.

Also, a bill (H. R. 15149) to correct the naval record of George Rivers; to the Committee on Naval Affairs.

By Mr. MORGAN: A bill (H. R. 15150) granting a pension to Elnora M. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15151) granting a pension to Margaret E. Hager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15152) granting a pension to Charlotte N. Thacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15153) to authorize the erection in Chickamauga Park of a monument to Maj. Gen. George H. Thomas; to the Committee on the Library.

By Mr. MURPHY: A bill (H. R. 15154) granting an increase of pension to Annie R. Twaddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15155) granting an increase of pension to Rebecca Lash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15156) granting an increase of pension to Amanda G. Dew; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15157) granting an increase of pension to Eliza Ann Abrams; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 15158) granting an increase of pension to Charlotte Bredenkamp; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 15159) granting an increase of pension to Mary Gerardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15160) granting an increase of pension to Sarah A. Hutchison; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 15161) for the relief of Jessie L. Kinsey; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 15162) granting a pension to Lulu A. Davis; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting a pension to Thomey J. Willis; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 15164) granting an increase of pension to Emma Calb; to the Committee on Pensions.

Also, a bill (H. R. 15165) granting an increase of pension to Carrie Brooks; to the Committee on Pensions.

Also, a bill (H. R. 15166) granting an increase of pension to Julia O. Allen; to the Committee on Pensions.

Also, a bill (H. R. 15167) granting an increase of pension to S. Amanda Clark; to the Committee on Pensions.

Also, a bill (H. R. 15168) granting an increase of pension to Calista Ealy; to the Committee on Pensions.

Also, a bill (H. R. 15169) granting an increase of pension to Kate Griffith; to the Committee on Pensions.

Also, a bill (H. R. 15170) granting a pension to Maggie Groves; to the Committee on Pensions.

Also, a bill (H. R. 15171) granting an increase of pension to Anna Hafey; to the Committee on Pensions.

Also, a bill (H. R. 15172) granting an increase of pension to Adella Harper; to the Committee on Pensions.

Also, a bill (H. R. 15173) granting an increase of pension to Elizabeth Heise; to the Committee on Pensions.

Also, a bill (H. R. 15174) granting an increase of pension to Victoria Huddle; to the Committee on Pensions.

Also, a bill (H. R. 15175) granting an increase of pension to Mary E. Jaco; to the Committee on Pensions.

Also, a bill (H. R. 15176) granting an increase of pension to Althea S. Jones; to the Committee on Pensions.

Also, a bill (H. R. 15177) granting an increase of pension to Carrie Miller; to the Committee on Pensions.

Also, a bill (H. R. 15178) granting an increase of pension to Laura C. Monfort; to the Committee on Pensions.

Also, a bill (H. R. 15179) granting an increase of pension to Mary E. Ryerson; to the Committee on Pensions.

Also, a bill (H. R. 15180) granting an increase of pension to Laura B. Pleunkhart; to the Committee on Pensions.

Also, a bill (H. R. 15181) granting an increase of pension to Adelpia L. Weaver; to the Committee on Pensions.

Also, a bill (H. R. 15182) granting an increase of pension to Sarah A. Williams; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 15183) granting an increase of pension to Rosette I. Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15184) granting an increase of pension to Margaret Rhinehart; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 15185) granting a pension to William A. Finley; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15186) for the relief of John H. Moore; to the Committee on the Civil Service.

By Mr. SWING: A bill (H. R. 15187) for the relief of Nelson K. Holderman; to the Committee on Military Affairs.

Also, a bill (H. R. 15188) granting an increase of pension to Margaret Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15189) for the relief of Lieut. Commander Heber Butts, Medical Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 15190) granting six months' pay to Annie Bruce; to the Committee on Naval Affairs.

Also, a bill (H. R. 15191) granting an increase of pension to Margaret Ferlin; to the Committee on Pensions.

Also, a bill (H. R. 15192) authorizing Paul H. Goss, immigration inspector; and Roy B. Newport, Ralph V. Armstrong, Charles T. Klinck, Emmet D. O'Connor, and R. H. Wells, patrol inspectors in the Immigration Service of the United States, to each accept a gold watch presented to them by the governor of the northern district of Lower California, Mexico; to the Committee on Foreign Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 15193) granting an increase of pension to Ollie S. Truax; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 15194) granting an increase of pension to Florence Connerly; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15195) granting a pension to Berta Weterick; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 15196) granting a pension to George Ann Swartz; to the Committee on Invalid Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 15197) for the relief of Alna Rawson; to the Committee on Claims.

By Mr. WILLIAMS of Missouri: A bill (H. R. 15198) awarding a medal of honor to Joseph S. Withington; to the Committee on Naval Affairs.

By Mr. WELCH of California: A bill (H. R. 15199) for the relief of Yosemite Lumber Co.; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 15200) for the relief of the InterOcean Oil Co.; to the Committee on War Claims.

By Mr. MacGREGOR: A resolution (H. Res. 257) authorizing payment of six months' salary and funeral expenses to Elizabeth Mary Smith, on account of the death of John M. Smith, late an employee of the House of Representatives; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7925. By Mr. DICKINSON of Missouri: Petition of Mrs. Richard Smith and others, of Lockwood, Mo., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7926. By Mr. GARBNER: Petition of the National Dairy Union, urging enactment of House bill 10958, a bill providing for an amendment to the oleomargarine law; to the Committee on Agriculture.

7927. Also, petition of the Ed. S. Vail Butterine Co., Chicago, Ill., urging opposition to House bill 10958, a bill to amend the oleomargarine law; to the Committee on Agriculture.

7928. Also, petition adopted by conference held at the Kansas State Agricultural College, Manhattan, Kans., in regard to the improvement and safeguarding of the hard winter wheat industry of the southern Great Plains; to the Committee on Agriculture.

7929. Also, petition of the Patriotic Order Sons of America, Pennsylvania State Camp, urging the rigorous restriction of foreign immigration from Mexico, Central and South America; additional and better naturalization and alien deportation legislation; the nationalization of the Star Spangled Banner; Federal aid to our public schools; and increased appropriations for more adequate enforcement of restriction, alien deportation, prohibition, and narcotic drugs laws; to the Committee on Immigration and Naturalization.

7930. Also, petition of members of the Beaver County Rural Carriers' Association, in meeting assembled at Beaver, Okla., urging passage of the Dale retirement bill; to the Committee on the Civil Service.

7931. Also, petition of the Baltimore Butterine Co., urging opposition to House bill 10958, a bill to amend the oleomargarine act; to the Committee on Agriculture.

7932. Also, petition of W. L. Blanton, captain, Nineteenth Infantry, secretary of Association of Officers, opposed to change in promotion list, urging opposition to Senate bill 3089 and House bill 13246; to the Committee on Military Affairs.

7933. By Mr. HOWARD of Oklahoma: Petition of Keetoowah Society of Indians of Oklahoma, favoring the passage of House bill 15035; to the Committee on Indian Affairs.

7934. By Mr. LAMPERT: Petition of employees of the Fred Rueping Leather Co., Fond du Lac, Wis., requesting protective tariff on calf leather; to the Committee on Ways and Means.

7935. By Mr. MEAD: Petition of Veterans of Foreign Wars, Department of the State of New York, supporting House Joint Resolution 213; to the Committee on the Judiciary.

7936. Also, resolutions adopted by Veterans of Foreign Wars, Department of New York, re the naturalization of aliens; to the Committee on Immigration and Naturalization.

7937. Also, resolutions adopted by the New York State Association, Letter Carriers, supporting the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7938. Also, resolutions adopted by the Pennsylvania State Camp, Patriotic Order Sons of America, re immigration and naturalization; to the Committee on Immigration and Naturalization.

#### SENATE

TUESDAY, December 11, 1928

(Legislative day of Monday, December 10, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

#### SENATOR FROM INDIANA

The VICE PRESIDENT laid before the Senate the credentials of ARTHUR R. ROBINSON, chosen a Senator from the State of Indiana for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT.

To all to whom these presents shall come, greeting:

Whereas it has been certified to me by the proper authority that ARTHUR R. ROBINSON has been elected to the office of Senator of the United States from the State of Indiana:

Therefore, know ye, that in the name and by the authority of the State aforesaid I do hereby certify that the said ARTHUR R. ROBINSON was duly elected for the term of six years from the 4th day of March, 1929, until his successor shall have been elected and qualified.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis this 27th day of November, A. D. 1928, the one hundred and eleventh year of the State, and of the independence of the United States the one hundred and fifty-second.

By the governor:

ED JACKSON.

[SEAL.]

F. E. SCHORTEMEIER,  
Secretary of State.

#### SENATOR FROM ARIZONA

Mr. HAYDEN presented the credentials of HENRY F. ASHURST, chosen a Senator from the State of Arizona for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF ARIZONA,  
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,

State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that in accordance with the provisions of chapter 20, Laws of Arizona, 1925, results of the official canvass of the returns of the votes cast at the general election held in the State of Arizona on November 6, 1928, as certified to by all the boards of supervisors of the several counties, show that HENRY F. ASHURST, who was the Democratic candidate for the office of United States Senator, received the highest number of votes cast for any candidate for this office, and having complied with all the provisions relating to the filing of statements of campaign expenses and having complied with all other requirements imposed by law upon candidates for office is therefore declared elected, all of which is shown by the original returns on file in this department.

In witness whereof I have hereunto set my hand and affixed the great seal of Arizona.

Done at Phoenix, the capital, this 26th day of November, A. D. 1928.

[SEAL.]

JAMES H. KERBY,  
Secretary of State.

#### VISIT OF PRESIDENT-ELECT HOOVER TO PERU

The VICE PRESIDENT laid before the Senate a cablegram from the President of the National Chamber of Deputies of Peru, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Translation]

DECEMBER 5, 1928.

His Excellency Mr. CHARLES E. DAWES,

President of the United States Senate,  
Washington, D. C.:

The National Chamber of Deputies of Peru in its session of yesterday, at the instance of the Chair, unanimously approved the following motion on the order of the day:

The National Deputies, who sign below, considering

That the good-will voyage which the President elect of the United States of North America is making to the republics of the continent evinces the interest felt by that distinguished statesman in familiarizing himself with the conditions and problems of the different peoples of America:

That this laudable effort to acquire in person a clear vision and correct conception of our true conditions in order to base thereon the international action of his Government and the influence of his people is an augury of efficiency as well as an example ever worthy of imitation by all statesmen who assume the responsibility of governing a people such as that of the United States;

That the interdependence of peoples is growing ever stronger and closer through the effect of modern means of communication which by eliminating all differences have overcome even geographical frontiers;

That the postulates of the new jurisprudence, in establishing the necessity of harmony and cooperation, require, together with that respect for justice which is absolutely necessary, knowledge of the special means and resources of each people for the accomplishment of its ends;

That these ideals, on which Peru has always based her international life, constitute the permanent essence of the ideal of liberty which presided over the birth of our countries, and determine, on the free soil of America, the providential destiny in accordance with which a new human civilization is rising on its soil, which is free from stain;

Have the honor to submit to the consideration of the Chamber the following motion on the order of the day;

The National Chamber of Deputies resolves

To express to His Excellency Mr. Herbert Clark Hoover, President elect of the United States of North America, its high appreciation on the occasion of his visit to this country;